

No.25-6486

ORIGINAL

IN THE
Supreme Court of the United States

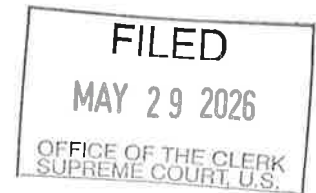
Marvin Bowman,

Petitioner,

V.

Chicago Board of Education, et al.,

Respondent,



On Petition for Writ of Certiorari
To the United States Court of Appeals
For the Seventh Circuit

Petition For Rehearing

Marvin Bowman, *Pro Se*
11033 S. Union, ave
Chicago, IL 60628
(773) 322-7328

TABLE OF CONTENTS

	PAGE
TABLE OF AUTHORITIES	iv
PETITION FOR REHEARING	1
REASONS FOR GRANTING REHEARING	1
I. Related Case Certiorari Grants	1-4
II. Numbers Violations	4-6
III. The McDonnell Douglas Framework	6-7
IV. The Pretext Proffered as a Response	7-8
V. The Discovery of New Evidence	8-9
CONCLUSION	9

TABLE OF AUTHORITIES

Cases	Pages
Ames v. Ohio Dept. youth Services , 145 S. Ct 1540-Supreme Court (2025).....	6, 7, 8, 10
Hittle v. City of Stockton California, 145 S. Ct. 759, 760-Supreme Court (2025).....	10
McDonnell Douglas Corp. v. Green, 411 U.S. 792, 93 S. Ct. 1817, 36 L.Ed.2d 668 (1973).....	7, 9, 10, 11
Muldrow v. City of St. Louis, Missouri, 144 S. Ct. 967 –Supreme Court 2024.....	1, 7, 8
Teamsters v. United States, 431 US 324, 358-Supreme Court (1977)	11
Texas Dept. of Community Affairs v. Burdine, 450 U.S. 248, 253, 101 S.Ct. 1089, 67 L.Ed.2d 207...11, 12	
 Other Authorities	
42 U.S.C. § 2000e-2(a)(1).....	2-4
Fed. R. Civ. P 56 (a)	3,8
IAC 226.730(a), IAC 226.730 (b).....	7
IDEA 20 U.S.C. §§14-1482 (2004))	8
Sup. Ct. R. 44.2	1

PETITION FOR REHEARING

Petitioner Marvin Bowman respectfully petitions for rehearing of this Court's May 4, 2026 Order denying his petition for a writ of certiorari.

REASONS FOR GRANTING REHEARING

In accordance with Rule 44.2 of the Supreme Court Rules, rehearing will only be granted if there are "intervening circumstances of a substantial effect ." Mr. Bowman's petition explained why this court's review was necessary and warranted. This reasoning was due to the fact that this court had addressed the "Significant-harm" standard under the *Muldrow* decision on April 17, 2024. *Muldrow v. City of St. Louis, Missouri*, 144 S. Ct. 970-971- Sup. Ct. (2024)

This date was a full 5 months before the district court's decision was handed down in Bowman v. Board of Education of the City of Chicago on September 27, 2024. In the Muldrow case this court made it clear that having verbiage in the reasoning of the rulings that are not a part of Title VII was grounds for vacating and remanding the Muldrow case. In addition, this court decided as articulated by Justice Kagan in that opinion, that its not alright to have "heightened bar" standards that exist nowhere in the text of Title VII. *Id* 972

I. Related Case Certiorari Grants

The Muldrow case also eerily uses language that is very familiar to anyone who has read the Petitioner's case decisions. It is because the language is almost the exact same as the language used in the decisions that were made by the courts in the Petitioners case at the district and the appellate court levels. In the Muldrow decision the courts at the lower levels used language which stated the transfer did not cause a "significant" disadvantage. Pay "remained the same. She experienced no change in salary. " Had not suffered a "significant change or alteration to work responsibilities. Minor alterations in employment." 144 S. Ct. 972-973- Sup. Ct. (2024)

A.

In the decisions made in the lower courts about the Petitioners case, they used language like " not suffered an adverse employment action", " An adverse

employment action is any harm that leaves the Plaintiff “worse off”. To prevent employees from being “worse off” there exists collective bargaining agreements, and laws at the city, state and federal level, to protect people from this harm of having to carry additional or significant burdens. This “worse off” is in respect to compensation, terms, conditions or privileges of employment. “ 42 U.S.C. § 2000e-2(a)(1) Changing the Petitioners place of employment into a position he was not hired or certified for is altering the terms and conditions of his employment. *Id*

B.

Therefore, when there is a record of grievances and complaints that document work place violations, they must not be ignored. They are the record of the violations of compensation, terms, conditions and privileges of employment in the workplace. Because this administrative process was followed in the matters of this case, there exists evidence of these violations through the evidentiary record. Grievances in the work place are filed when workers contractual rights have been violated in the work place. Is there a record of this in the Petitioners case’s evidentiary record? The answer to that question is yes.

There exists arbitration hearings that are part of the writ of certiorari filed for this case where the Petitioner wins part of the arbitration against the defendants for the grievances from the time in question. Pet. App 99-140 The Petitioner contends that one reason he didn’t win the rest of the arbitration was because the Lawyer for the labor union did not turn in all the evidence to the arbitrator. But the arbitration decision and findings are in the Writ of Certiorari’s appendix.

C.

Defining boundaries of populations is important in cases like this because it helps the trier of facts gain a better understanding of how the events affected the victim. Determining whether they were a minority or a majority plays a role in understanding how events or statements weighed on the person who was affected. Understanding how a plaintiffs religious beliefs compare with everyone else in that environment is important to understanding the case. *Ames v. Ohio Dept. youth Services*, 145 S. Ct 1540, 1550-Supreme Court (2025)

D.

Now lets explore a little more related Case Grants. The precedent of Muldrow was not followed by the district court in this case which is why the Petitioner filed an appeal with the 7th Circuit. In the mean time yet another case from the 6th circuit was ruled on by the Supreme court where circumstances were similar. This was the case of *Ames v. Ohio Department of Youth Services*. In this Title VII case a “heightened bar,” that was again using verbiage that doesn’t exist in Title VII, was being used to rule against a Plaintiff who had been discriminated against. *Ames v. Ohio Dept. of Youth Services*, 145 S. Ct. 1542-Supreme Court (2025). This case was, just like Muldrow, vacated and remanded by this court on June 5, (2025).

E.

Title VII bars employers from discriminating against their employees that are part of the protected classes based on race, religion, color, national origin or sex. 42 U.S.C. § 2000e-2(a)(1) In order for a Petitioner to prove a case under Title VII they usually have to be subjected to the framework of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792. 93 S. Ct. 1817. 36 L.Ed.2d 668.

Under McDonnell Douglas, the Petitioner must establish a *Prima Facie* case with enough evidence to provide an inference of discrimination. After step one the burden shifts to the employer to give a legitimate reason for the behavior. If the employer was able to show legitimate reason for the behavior, the employee must prove that it was pretext for discrimination. 411 U.S. 792, 802-805. 93 S. Ct. 1817. 36 L.Ed.2d 668 (1973). As Justices Thomas and Gorsuch articulate concurring in the *Ames* decision, the McDonnell Douglas framework has presented problems for courts and Title VII cases for nearly half a century. Yet it has become the primary way that cases are engaged especially at the Summary Judgment phase of a case. 145 S. Ct. 1548-1555, Supreme Court (2025) Summary judgement clearly should be decided on factors regulated by Federal Rule of Civil Procedure 56 (a) or in other ways. (Fed. R. Civ. P. 56(a)) Nowhere in the Title VII Statute does it say that the discrimination cases should be decided by a framework that is not a part of the federal statutes.

F.

This formulation was used on the *Ames* case as well as on this case of *Bowman v. Bd of Ed of Chicago*. The petitioner showed evidence of discrimination, retaliation and harassment but was ruled against by the lower courts. Title VII prevents an employer from discriminating against any “individual with respect to his compensation, terms, conditions or privileges of employment because of that

individual's religion, race, sex, color or national origin." 42 U.S.C. § 2000e-2(a)(1) This court emphasizes again in the *Ames* decision that courts were to shy away from "inflexible formulations" when determining cases where discrimination happened. 145 S. Ct 1547-Supreme Court (2025).

G.

Just as in the *Muldrow* case, the appellate for *Ames* affirmed the decision of the district court. The appellate court in all the decisions used the heightened bar standard. But certiorari was granted by this court to *Ames* and on June 5, 2025, this court vacated and remanded the lower courts decision in the *Ames* case. The *Ames* case was 3 months before the ruling of the 7th circuit appellate court in this case where the 7th circuit upheld the decision of the district court. The rulings by this court in *Ames* and *Muldrow* were the correct decisions that upheld the verbiage of the statute of Title VII.

H.

The courts vacating and remanding of *Ames* was a unanimous decision by this court and so was the *Muldrow* case. However, this case was not as fortunate. This is why this petition was written to attempt to get some synergy between the similar cases.

II. Numbers Violations

The evidentiary record shows that the Petitioners "job transfer" essentially changed him from being a regular education teacher to a special education teacher. They are not the same thing and have two different certifications. This means the terms and conditions of his work space were violated. In addition, because multiple laws were being violated in his classroom egregious numbers of special needs students were being dumped into his classroom above what the law allows. These violations during the year in question which would be within the 300 days of his filing a charge of discrimination retaliation and harassment were documented in the complaint done by the Illinois State Board of Education or ISBE. ¹ (R. 89 at 44-45)

¹ During the 2020-2021 school year the Petitioner filed a complaint against his employer because a supervisor was routinely discriminating against him and began dumping illegal amounts of special needs students into his classroom. This began in 2017-2018 school year and continued the whole tenure of Ali Muhammad as principal which was 5 years.

A.

These violations were not all through the school, and using deception, the respondent attempted to say this practice was regular at the school. This is why they asked the court to turn in class special education populations in percentages. If a special education teacher has 2 children with IEP's in their class then 100% of the students in their class have IEP's.² If the petitioner has 20 children in his class with IEP's, in a class of 32, then 65% of students in his class has IEP's but he has a much larger and illegal amount of students in his classroom. This would also mean multiple special education laws are being violated in his classroom. Such were things during the year in question in just one of his illegal classes. They kept the special needs teachers populations low and at the same time egregiously violated the Petitioners rights and class compliance. As noted in the record, they made his classrooms illegal and dangerous. (R.89 Ex 45 at 610-611)

B.

Another question that exists is were there complaints about the violations of the contractual and legal laws that protect employees and children from harm in the work place in question? The answer to that question as well is yes. There was a complaint filed with the Illinois State Board of Education where an investigation was done about how special education was being weaponized against the Petitioner and the CBA³. In fact, state and federal laws were being violated in his classroom for years with no remedy. The investigation, which is part of the evidentiary record for this case, found that the things that the Petitioner complained about were true. (R. 89 Ex 5 at 44-45.)

Therefore, we have grievances, an investigation by the state Board of Education and an Independent Arbitrator that found that laws were being broken by the Respondents during the time in question. But what we were given was decisions from the lower courts that stated that the McDonnell Douglas framework was used on this case and even though this doesn't quite fit the McDonnell Douglass cases, especially at step 1, this case was determined to not survive summary judgement because it didn't conform to this framework perfectly.

² IEP stands for Individual Education Plan and are given to special needs students. They are supposed to be followed by schools to properly educate the special needs students.

³ Collective Bargaining Agreement is abbreviated here as CBA. An agreement exists between the Board of education and the Chicago Teachers Union

III. The McDonnell Douglas Framework

The McDonnell Douglas framework is one that says at step 1 that a Plaintiff must establish a *Prima Facie* case of discrimination. In other words he must be able to show an inference that discrimination existed. In order to do this the Petitioner needed to fulfill 4 tenets. The 4 tenets were to first show you are part of a protected class, second, you applied for a job that was seeking applicants, third were rejected even though you were qualified, and fourth after rejection the position remained open. *Hittle v. City of Stockton California*, 145 S. Ct. 759, 760-Supreme Court (2025) The fact is the only one of these tenets that fits this case would be the first one which is that the Petitioner is part of a protected class being a person of faith that is a minority in his work building.

A.

The rest of the tenets do not apply to this case but yet this framework was used to grant summary judgement to the Respondents. The fact is that McDonnell Douglas was not intended to be used as a test of some sort for summary judgment. The only thing that should determine that is tools like Federal Rule of Civil Procedure number 56. 145 S. Ct. 759, 761-762-Supreme Court (2025) Stating the rest of the steps of McDonnell Douglas, the burden shifts to the Respondents in step 2 to show that there was a legitimate reason for the adverse actions that were taken towards the Petitioner. Step 3 then leaves the Petitioner to show that the reasons proffered were pretext.

The simple fact that step one of this process does not wholly apply to this case meant that the lower courts were not to embrace “inflexible formulations” for the establishment of *prima facie* cases as the court has long rejected them. 145 S. Ct. 1540, 1547-S. Ct. (2025) This was noted by Justice Jackson in the opinion of the *Ames* decision quoting an earlier supreme court case that was quoting a section of the *McDonnell Douglas* decision. 411 U.S. 792, 802. 93 S. Ct. 1817, 36 L.Ed.2d 668 (1973)

B.

In fact, another part of the *Teamster* case where the court cited *McDonnell Douglas* was where they are noting that “ facts necessarily will vary in Title VII cases and the specification...of the *prima facie* proof required ...is not necessarily applicable in every respect to differing factual situations.” *Teamsters v. United States*, 431 US 324, 358-Supreme Court (1977) Citing *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802. 93 S. Ct. 1817, 36 L.Ed.2d 668 (1973)

IV. The Pretext Proffered as a Response

The respondents proffered a reason for the adverse acts which was that the school struggled to maintain the 70/30 rule for years. The problem was that the 70/30 rule was not the only law being broken in the Petitioner's classroom from 2017-2022. The Petitioner showed that his supervisor immediately began harassing him when he didn't attend a religious service at work in 2017. That same supervisor then refused to program his classroom to legal conformity making the statement "you don't praise the Lord, you got to praise the Lord ". These adverse acts began at the beginning of the school year 2017 and continued nearly the whole 5 year tenure of Principal Muhammad.

A.

The whole full following school year and successive years the Petitioners classroom, not the whole school, was out of compliance with the CBA and state and federal laws. (IAC 226.730(a), IAC 226.730 (b) and IDEA 20 U.S.C. §§14-1482 (2004)) ⁴ The appellate court cites incidents in the period time after the time in question to justify the Respondents proffered reasons for their behavior. In the Burdine case this court made it clear that the reason given by the Respondent for the violation " must be legally sufficient to justify a judgment for the Respondent." *Texas Department of Community Affairs v. Burdine*, 450 US 248, 255-Sup. Ct. (1981) The law was being broken in the Petitioner's classroom nearly the whole 5 years of Principal Muhammad's tenure as interim principal. The reason that was used to justify the violations which was an untimely granted deviation was never applied for before the school years in which these violations happened in the Petitioner's classes for years. This would be school years 2017-2022.

B.

In addition, the Petitioner produced as part of the evidentiary record, school report cards from the time of Principal Muhammad's tenure that show that the school was not struggling with an extremely high amount of special needs students. The school report cards are part of the evidentiary record at the district and Appellate court level. The school report cards show Corliss's special education percentages for the years 2017-2018, 2018-2019, 2019-2020, and 2020-2021. (R.89 Ex's 1-4 at 11, 16, 20, 23-24) The last two years being the years when the lawsuit was filed within the

⁴ During the 5 year tenure of Ali Muhammad he routinely violated the 70/30 rule in Petitioners classroom. He also violated the law of 15 as well. This is a law that says you are not supposed to put more than 15 students in a certified special education teachers classroom. There were more than 15 a couple of times in this tenure.

300 day period. None of them justify the Petitioners classroom ever making it to 65% special needs students.

To transform the Petitioners environment is to transfer his work responsibilities to something else he is not certified for. The question then is why didn't the school file for a deviation before any of those school years began? The fact is, the school applied for a deviation after the Petitioner had already filed a grievance with the union and a complaint with ISBE about them violating the special education laws and the CBA. These are part of the evidentiary record. Starting from the district court level. (R. 89 Ex 7 at 53-56 , id Ex 45 at 610-611) That glaring missing information is all the reason to have denied granting the defendants summary judgement from the start. There were genuine disputes about nearly every issue. Fed.R.Civ.P. 56(a))

V. Discovery of New Evidence

Another intervening circumstance that this petition shall deal with is new availability of evidence. In this case one piece of evidence that was lauded by the Respondents was an untimely deviation that was awarded by ISBE. The Petitioner had already filed a complaint with ISBE in October of 2020 when the Respondents decided to file a deviation months later.

A.

The petitioner tried to depose the investigator who investigated these issues back in 2022. However, discovery was not extended and that opportunity dried up. Recently in a related case, the Petitioner was able to subpoena the emails of the investigator and among them were emails about ISBE granting the deviation.

They have a section for the teacher whose classroom the violation will occur in to give feedback called an assessment. But the petitioner wasn't even told that the school was applying for a deviation yet a long got an opportunity to give input to the state school board. You would think the complaint the petitioner had filed already would be inserted as his input. However, it was not and the deviation was granted.

B.

But you see through the emails that this was an issue with ISBE as it would seem very inappropriate for them to grant a deviation when there is already an open complaint that in bad faith the Petitioner's classroom had been out of compliance for years. This is because it was being done to discriminate, retaliate and harass the

plaintiff. Again, as it states in the Burdine case, the legitimate reason proffered by the Respondent for the adverse behavior “ must be legally sufficient to justify a judgment for the Respondent.” 450 US 248, 255-Sup. Ct. (1981)

A deviation is a document that allows a classroom to be out of compliance supposedly within the law. The investigator is reasoning with co workers about how could they grant a deviation to the school while there is already an open complaint about the violations occurring repeatedly in the Petitioners classroom. App. 12-13

CONCLUSION

For the Foregoing reasons, and those stated in the petition for a writ of certiorari, the Court should grant rehearing, consider the additional evidence that was recently garnered connected to this case, grant certiorari and grant the petition and review the judgement.

MAY 28, 2026 Respectfully submitted,

Marvin Bowman, Pro Se
11033 S. Union, Ave.,
Chicago, IL 60628
(773) 322-7328

CERTIFICATE OF COUNSEL

Pursuant to Rule 44.2, I, Marvin Bowman, Pro Se, hereby certify that the petition for rehearing is restricted to the grounds specified in Rule 44.2. I further certify that the petition for rehearing is presented in good faith and not for delay.

May 28, 2026

/s/ Marvin Bowman

Marvin Bowman

Appendix

A

Table of Contents

Pages

Emails from the from the Illinois State Board of Education

Investigator Karen Handy 1-32

RE: 70/30 Issue

From: HANDY KAREN <khandy@isbe.net>

Date Thu 1/21/2021 8:24 PM

To: CONYER MARK <mconyer@isbe.net>

■ 1 attachment (285 KB) Coliss LOF.pdf;

Good afternoon—

Yes, I recently had a systemic complaint on this issue. It was a small, CPS high school and the complaint was filed by a general education teacher. Per Barb's directive, I required the district to file deviation requests as part of the corrective action because the district had already basically said they weren't going to do anything about it and, mathematically, I'm not even sure that they could do anything about it, even if they were willing to.

Attached is the LOF if you want to take a look at the language I used. Prior to issuing the LOF I attempted to get more information from Andrea regarding how these requests are approved or denied because I'm not entirely sure what we'll do if the requests are denied, but I didn't really feel like I got a direct answer. Probably should have thought that through a little better, but I just did what Barb told me to do. Let me know if you have any other questions.

Thanks, Karen Handy

Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777

khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

From: CONYER MARK <mconyer@isbe.net>

Sent: Thursday, January 21, 2021 2:12 PM

To: HANDY KAREN <khandy@isbe.net>

Subject: 70/30 issue

Hello there,

I am working on finishing up a complaint where one of the issues is a 70/30 allegation in a PE class. Did you recently have a complaint with a 70/30 issue? I'm trying to decide possible CA. Is

it appropriate to direct or inform the LEA of the deviation process in the CA, or simply tell them to fix the class makeup somehow?

Mark Conyer

Principal Education Consultant Special Education Department Illinois State Board of Education

RE: Attn: Complaint Coordinator Special Education Complaint

From: HANDY KAREN <khandy@isbe.net>

Date: Thu 10/15/2020 8:31 PM

To: Marvin Bowman <marvinbowman1@yahoo.com>

Thank you for the clarification. Because your complaint was received on October 14, 2020, I will only be able to investigate #4 for the time period of October 14, 2019 through January 2020. I believe this addresses all of my questions and I will be issuing what we refer to as an opening letter by the beginning of next week. If you have any questions regarding that letter or the complaint investigation process, please feel free to contact me.

Sincerely,

Karen Handy

Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street

Springfield, IL 62777

khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

From: Marvin Bowman <marvinbowman1@yahoo.com>

Sent: Thursday, October 15, 2020 3:21 PM

To: HANDY KAREN <khandy@isbe.net>

Subject: RE: Attn: Complaint Coordinator Special Education Complaint

All of this is correct except number 4. Once it became close to when the Union representative was coming, in February, the Special education teacher began coming the rest of the school

year more consistently. The first semester from September 2019-January 2020. I spent a great deal of time in 1st period manning the class alone.

Sent from Yahoo Mail on Android

On Thu, Oct 15, 2020 at 12:04, HANDY KAREN

<khandy@isbe.net> wrote:

At this time, I am seeking clarification of the issues in order to ensure that I am accurately interpreting your complaint. Based upon the information you provided, please verify if I have or have not summarized your allegations accurately:

1. Your first and fifth class periods during the current school year (2020-21) exceed class size requirements. Specifically, both your first and fifth period classes are comprised of more than 30% students with disabilities.
2. Your first and fifth class periods during the previous school year (2019-20) exceeded class size requirements. Specifically, both your first and fifth period classes were comprised of more than 30% students with disabilities.
3. Your first period class during the current school year (2020-21) is a co-taught class, but a special education teacher has not been hired to provide support to the student's with disabilities that are enrolled in the class.
4. Your first period class during the previous school year (2019-20) was a co-taught class, but the special education teacher was rarely in the class to provide support to the students with disabilities that were enrolled.

Sincerely,

Karen Handy Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777

khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

From: Marvin Bowman <marvinbowman1@yahoo.com>

Sent: Wednesday, October 14, 2020 5:44 PM

To: HANDY KAREN <khandy@isbe.net>

Subject: Re: Attn: Complaint Coordinator Special Education Complaint

Hello Mrs. Handy,

I will attempt to answer some of these questions for you. A CTT is a cooperative Team Teacher or the special education teacher. For my first period class, I was told that there is a vacancy that they are trying to fill, although a Special Education teacher was highered who teaches the same subject and I was told she has a class the same class period. I was also told by the administration or a teacher that is supposed to have administrative powers, that there is no self contained class for my subject. This is just an example of the conflicting and contradictory things that I am told often.

When it comes to my first period class being a co-taught class, I was told that they had found someone for the position although I have not seen this person as of yet. Last year this was a problem class because it had more than the 30% special needs students . It currently has more than 30 % special needs and they need help. I am a general education teacher and the majority of students in my 5th period class have an IEP or Individualized Education Plan. Some of tehir IEP's say they don't receive services in my subject area and its clearly wrong. I am not supposed to be in a super sized self contained class. Not even special needs teachers have these. I dont know what you would expect me to have that would show that a person was not coming to my class or that there was a problem with the class size except e-mails and the fact that I had filed a greivance about it. I will try to forward several of those e-mails from last year to you after I send this e-mail.

Mr. Bowman

On Wednesday, October 14, 2020, 09:44:59 AM CDT, HANDY KAREN <khandy@isbe.net> wrote:

Dear Mr. Bowman—

Good morning! I have been assigned as the investigator on the complaint you filed with this agency and I have the following questions:

1. What is CTT? I assume it has to do with co-teaching, but I am not familiar with that acronym.
2. You stated that for your first period class "...a CTT needs to be hired." Based on that statement, is it accurate to say that a CTT has not been hired for the current school year?
 - a. Is your first period class supposed to be a co-taught class?

b. Is the same true for your fifth period class? Is your fifth period class also supposed to be a co-taught class?

3. The federal regulations only allow us to investigate issues occurring not more than one year prior to the date of receipt of the complaint. As such, if you are alleging that class size was an issue during the 19-20 school year and you would like me to investigate that issue, can you please provide additional information regarding which of your class periods exceeded the 70/30 requirement during that time frame?

4. You also stated that "...there would be periods where the CTT would not show up to class for a couple of

weeks or months at a time." Do you have any additional information regarding which class periods and dates that this occurred?

Thank you for any additional information you can provide. Also, if you have not already done so, please ensure that a copy of the complaint is forwarded to the district.

Sincerely,

Karen Handy

Principal Consultant

Special Education Department

Illinois State Board of Education 100 North First Street

Springfield, IL 62777

khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

From: Marvin Bowman <marvinbowman1@yahoo.com>

Sent: Tuesday, October 13, 2020 6:16 PM

To: statecomplaints <statecomplaints@isbe.net>

Subject: Attn: Complaint Coordinator Special Education Complaint

Hello,

I am contacting you to make a complaint about the special education problems that exist in two of my classes. I have tried to resolve these issues several times over the pass couple of years but there seems to be a resolve by the administrator to keep the situation unresolved. If you have any questions for me, please feel free to contact me at: marvinbowman1@yahoo.com or 773 620-6532.

I have included in this e-mail the complaint, copies of the lists for my classes that show students with IEP's, a description of the violations with an extension and a more neat copy of the complaint. The best times to contact me are 3:15 p.m. to 4:30 p.m. central time Monday-Friday.

Mr. Marvin Bowman,

M.A. Education., C and I

RE: Bowman v. ISBE – Representation

From: Johnston, Mary <Mary.Johnston@ilag.gov>

Date: Tue 6/21/2022 4:04 PM

To: Karen Handy <khandy@isbe.net>

Thanks for letting me know, but I'm sure that will be fine. He hasn't reached out about the declaration so I doubt anything will come of it, but I wanted to let you know it was a possibility.

Thanks again and I hope you enjoy your time off!

From: HANDY KAREN <khandy@isbe.net>

Sent: Tuesday, June 21, 2022 11:01AM

To: Johnston, Mary <Mary.Johnston@ilag.gov>

Subject: [EXTERNAL] RE: Bowman v. ISBE - Representation

Thank you for the update and for your work on this. I'm not sure what the timeline for the declaration would be, but I wanted to let you know that I will be out of the office using vacation time on June 22, 24, 25, 28, 29, 30, and July 1, 2022. Since July 4, 2022, is a holiday, I will not be back in the office until July 5, 2022.

Thanks,

Karen Handy

Principal Consultant
Special Education Department
Illinois State Board of Education 100 North First Street
Springfield, IL 62777
217/782-5589
khandy@isbe.net

From: Johnston, Mary <Mary.Johnston@ilag.gov>
Sent: Tuesday, June 21, 2022 10:53 AM
To: HANDY KAREN <khandy@isbe.net>
Subject: RE: Bowman v. ISBE - Representation

Karen,

Mr. Bowman asked the court for extra time in order to take your deposition, but the court denied that motion. As such, he won't be taking your deposition in this matter. It is possible that he will ask for a declaration confirming that your reports are authentic as I had previously proposed that as an alternative to the deposition. I'll let you know if that happens, but for now there is nothing you need to do.

Thanks!

Mary

From: HANDY KAREN <khandy@isbe.net>
Sent: Thursday, June 2, 2022 12:47 PM
To: Johnston, Mary <Mary.Johnston@ilag.gov>
Subject: [EXTERNAL] RE: Bowman v. ISBE - Representation

The following explanation may be more than what you are asking for, but it is a brief overview of our process and the formal correspondence that is issued from ISBE. We send what we refer to as an opening letter, which is the initial correspondence outlining the allegations, relevant regulatory citations, and requested documentation. Then we issue the letter of findings, which is our written decision that addresses each allegation in the complaint, the findings of facts and

conclusions, and the reasons for the final decision. If no violations are identified, the complaint is closed and no further correspondence is issued. If violations are identified in the letter of findings, corrective actions are required and the complaint remains open. Upon submission of the corrective action documentation, the complaint investigator will make a determination regarding whether the district has met the requirements of the corrective action. If the requirements of the corrective action are not met, we issue a response to corrective action letter. If the requirements of the corrective action are met, we issue a closing letter.

I have attached the opening letters for both cases just in case you need them. For case 2021-CO-0025, you should have an opening letter, letter of findings, response to corrective action, and a closing letter. For case 2022-CO-0054, you should have an opening letter, letter of findings, and response to corrective action letter.

There is other documentation associated with these cases, but that documentation is either submitted by the complainant (i.e., complaint request form) or the district (i.e., response to complaint and supporting documentation, documentation of corrective action).

Please let me know if I can provide any additional documentation. Thanks,

Karen Handy Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777

217/782-5589

khandy@isbe.net

From: Johnston, Mary <Mary.Johnston@ilag.gov>

Sent: Thursday, June 2, 2022 12:12 PM

To: HANDY KAREN <khandy@isbe.net>

Subject: RE: Bowman v. ISBE - Representation Hi Karen,

Sorry to follow up with more questions. Are there any other reports that get filed for these investigations or is all the relevant information/findings contained in the letters?

Mary

From: HANDY KAREN <khandy@isbe.net>

Sent: Thursday, June 2, 2022 11:58 AM

To: Johnston, Mary <Mary.Johnston@ilag.gov>

Subject: [EXTERNAL] RE: Bowman v. ISBE - Representation

Here are the letters from the first complaint.

Karen Handy Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777

217/782-5589

khandy@isbe.net

From: Johnston, Mary <Mary.Johnston@ilag.gov>

Sent: Thursday, June 2, 2022 11:42 AM

To: HANDY KAREN <khandy@isbe.net>

Subject: RE: Bowman v. ISBE - Representation Karen,
Here is the complaint for the Bowman case. Thanks,

Mary

From: HANDY KAREN <khandy@isbe.net>

Sent: Thursday, June 2, 2022 11:36 AM

To: Johnston, Mary <Mary.Johnston@ilag.gov>

Subject: [EXTERNAL] RE: Bowman v. ISBE - Representation

Ms. Johnston--

I will be using benefit time starting at 2:00 today and I will be out all day tomorrow, but I am available to speak with you any time up until 2:00 today. I am working remotely so you can contact me on my personal cell phone at

Thank you, Karen Handy

Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777

217/782-5589

khandy@isbe.net

From: Johnston, Mary <Mary.Johnston@ilag.gov>

Sent: Thursday, June 2, 2022 11:33 AM

To: HANDY KAREN <khandy@isbe.net>

Subject: Bowman v. ISBE - Representation

Ms. Handy,

I have been assigned to represent you at your non-party deposition for the Bowman case. I would like to have a call to get some background information. Are you available later today or tomorrow?

Thanks,

Mary A. Johnston Assistant Attorney General
Office of the Illinois Attorney General 100 West Randolph Street, 13th Floor Chicago, IL 60601
Phone: (312) 814-4417
Cell: (773) 590-7043
Email: mary.johnston@ilag.gov

Attn: Complaint Coordinator SPecial Education Fw: US History 1st and 5th Period class

From: Marvin Bowman <marvinbowman1@yahoo.com>

Date: Wed 10/14/2020 10:53 PM

To: Karen Handy <khandy@isbe.net>

Forwarded e-mail from last school year 2019-2020. I also may have student rosters from last school year. Mr. Bowman

----- Forwarded Message -----

From: Bowman, Marvin <mlbowman@cps.edu>

To: "marvinbowman1@yahoo.com" <marvinbowman1@yahoo.com>

Sent: Monday, February 10, 2020, 06:54:44 AM CST

Subject: Fwd: US History 1st and 5th Period class

----- Forwarded message -----

From: Bowman, Marvin <mlbowman@cps.edu> **Date:** Fri, Sep 13, 2019 at 1:31 PM

Subject: US History 1st and 5th Period class **To:** Ali Muhammad <anmuhammad@cps.edu>

Hello Principal Muhammad,

This is Mr. Bowman following up with you about the 1st and 5th period classes which are overpopulated. Its been a rough two weeks for me and the students but we were able to make it through. As I send this e-mail to you the classes were well over 30 and a number of students seem to be irritated by our current predicament.

The class conditions has also weighed heavy on our diverse learners as it has irritated them the most. The first period class also at last count had 50% or more students with IEP's. I am writing to you hoping we can resolve this matter soon and engage our students better and at a high level. If you need my assistance further to expedite this matter please feel free to contact me.

Mr. Bowman

RE: Corliss Deviation

From: SHRYOCK ANDREA <ashryock@isbe.net>

Date: Mon 5/24/2021 1:25 PM

To: Karen Handy <khandy@isbe.net>

You bet! 😊

Andrea Shryock, LCPC Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777 ashryock@isbe.net

At this time, email is the best way to contact me directly. I will respond as quickly as possible

From: HANDY KAREN <khandy@isbe.net>

Sent: Monday, May 24, 2021 8:25 AM

To: SHRYOCK ANDREA <ashryock@isbe.net>

Subject: RE: Corliss Deviation

Ok, thank you for the information. Have a great Monday!

Karen Handy Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777

khandy@ isbe.net

From: SHRYOCK ANDREA <ashryock@isbe.net>

Sent: Monday, May 24, 2021 8:23 AM

To: HANDY KAREN <khandy@ isbe.net>

Subject: RE: Corliss Deviation

No ma'am I do not have any record of Mr. Bowman completing a Teacher Assessment form related to the Corliss deviations for the this academic year.

Have a great day!

Andrea

Andrea Shryock, LCPC Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777 ashryock@isbe.net

At this time, email is the best way to contact me directly. I will respond as quickly as possible.

At this time, email is the best way to reach me directly. I will respond as quickly as possible.will respond as quickly as possible.

From: HANDY KAREN <khandy@ isbe.net>

Sent: Monday, May 24, 2021 7:58 AM

To: SHRYOCK ANDREA <ashryock@isbe.net>

Subject: Corliss Deviation

Good morning—

I received an email from the complainant regarding the deviations requested by Corliss HS in CPS 299. Can you tell me if Marvin Bowman completed the General Education Teacher Assessment Overview? Also, regardless of whether or not he completed it, is that information taken into consideration when determining if a deviation is granted? If he has questions regarding the deviation process, can I direct him to submit his questions to DEV@isbe.net?

Thanks,

Karen Handy

Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street

Springfield, IL 62777

khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

RE: CPS Application for Deviation - Corliss HS

From: SHRYOCK ANDREA <ashryock@isbe.net>

Date: Tue 2/9/2021 7:50 PM

To: Karen Handy <khandy@isbe.net>

Sounds good! I'll be in touch soon with my deviation response to Corliss. 😊

Andrea

Andrea Shryock, LCPC Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street

Springfield, IL 62777 ashryock@isbe.net

At this time, email is the best way to contact me directly. I will respond as quickly as possible.

From: HANDY KAREN khandy@isbe.net

Sent: Tuesday, February 9, 2021 1:49 PM

To: SHRYOCK ANDREA <ashryock@isbe.net>

Subject: RE: CPS Application for Deviation - Corliss HS

No rush. I will need to follow up with the district regarding the corrective action anyways. I was just trying to figure out where to go from here.

Thanks,

Karen Handy

Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street

Springfield, IL 62777

khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

From: SHRYOCK ANDREA <ashryock@isbe.net>

Sent: Tuesday, February 9, 2021 1:47 PM

To: HANDY KAREN <khandy@isbe.net>

Subject: RE: CPS Application for Deviation –
Corliss HS Hi Karen,

Corliss did indeed submit revised information for the deviation applications. I have Corliss on my list for review this Thursday, but I will try my best to move the review to tomorrow.

I will forward you the revised deviation applications so that you have for your files, and I will be in touch by the end of this week with a response from the deviation reviews.

Hope all is well! Thanks,

Andrea

Andrea Shryock, LCPC Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street

Springfield, IL 62777 ashryock@isbe.net

At this time, email is the best way to contact me directly. I will respond as quickly as possible.

From: SHRYOCK ANDREA <ashryock@isbe.net> On Behalf Of DEV

Sent: Wednesday, January 20, 2021 4:05 PM

To: MOORE BARBARA <BMOORE@ isbe.net>; HANDY KAREN <khandy@ isbe.net>; DEV <dev@ isbe.net>

Cc: EULASS ANDREW <AEULASS@isbe.net>; KUYKENDALL MAGGIE <MKUYKEND@isbe.net>;
MERCER REITHEL
<RMERCER@isbe.net>

Subject: RE: CPS Application for Deviation - Corliss HS

Perfect! Thank you both!!! 😊

Andrea Shryock, LCPC Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777 ashryock@isbe.net

At this time, email is the best way to contact me directly. I will respond as quickly as possible.

From: MOORE BARBARA <BMOORE@ isbe.net>

Sent: Wednesday, January 20, 2021 2:53 PM

To: HANDY KAREN <khandy@ isbe.net>; DEV <dev@ isbe.net>

Cc: EULASS ANDREW <AEULASS@isbe.net>; KUYKENDALL MAGGIE <MKUYKEND@isbe.net>;
MERCER REITHEL
<RMERCER@isbe.net>

Subject: RE: CPS Application for Deviation - Corliss HS

Andrea – As Karen stated, you will process these deviation requests as you normally would using our internal rubric and seeking any follow info from the district as needed. Barb

From: HANDY KAREN <khandy@ isbe.net>

Sent: Wednesday, January 20, 2021 2:47 PM

To: DEV <dev@ isbe.net>; MOORE BARBARA <BMOORE@ isbe.net>

Cc: EULASS ANDREW <AEULASS@isbe.net>; KUYKENDALL MAGGIE <MKUYKEND@isbe.net>;
MERCER REITHEL
<RMERCER@isbe.net>

Subject: RE: CPS Application for Deviation - Corliss HS

Hi Andrea,

Based on the information provided by the district in response to the complaint, several of their classes were over 70/30 so, as directed, I included the deviation requests as part of the corrective action (LOF attached). My assumption was that the request(s) would be processed the same way any other deviation request would be processed. The information you shared indicates that they submitted a deviation request for each of the class periods that the district reported were over 70/30. I'm unaware of the criteria for approving/denying a deviation request, but I would expect that typical procedures would be followed, regardless of the complaint.

Thanks,

Karen Handy

Principal Consultant

Special Education Department Illinois State Board of Education 100 North First Street

Springfield, IL 62777

khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

From: SHRYOCK ANDREA <ashryock@isbe.net> On Behalf Of DEV

Sent: Wednesday, January 20, 2021 2:05 PM

To: MOORE BARBARA <BMOORE@isbe.net>

Cc: HANDY KAREN <khandy@isbe.net>; EULASS ANDREW <AEULASS@isbe.net>; KUYKENDALL MAGGIE

<MKUYKEND@isbe.net>; MERCER REITHEL <RMERCER@isbe.net>

Subject: FW: CPS Application for Deviation - Corliss HS

Just FYI...

We have received our first CPS deviation applications for 2020-2021 school year this afternoon.

The applications are for Corliss High School so I am informing Karen of the deviations as there is/was an open complaint regarding Corliss HS. With that said, do I complete the deviation review while a complaint is open? What would be the process considering an open complaint and a deviation request? This has never happened while I have been reviewing deviations.

Andy/Karen I welcome your thoughts, as well. Please advise when you have a chance.

Thank you Barb! Andrea

Andrea Shryock, LCPC Principal Consultant
 Special Education Department Illinois State Board of Education 100 North First Street
 Springfield, IL 62777 ashryock@isbe.net

At this time, email is the best way to contact me directly. I will respond as quickly as possible.

From: Alicea, Giselle <galicea@cps.edu>
Sent: Wednesday, January 20, 2021 1:04 PM
To: DEV <dev@isbe.net>
Cc: Rebecca Parker <raparker@cps.edu>; Sean Ryan <stryan@cps.edu>
Subject: CPS Application for Deviation

Attached please find 4 executed Application for Deviations.

Giselle "Gigi" Alicea

Office of Diverse Learner Supports + Services | Chicago Public Schools Office: 773-553-1497 | Email: galicea@cps.edu

Visit our website for information: <https://cps.edu/ODLSS/Pages/odlss.aspx>

RE: Draft Response to CA Letter

From: HANDY KAREN <khandy@isbe.net>

Date: Tue 9/20/2022 6:36 PM

To: CONYER MARK.<mconyer@isbe.net>; FAIRBANKS LARRY <LFAIRBAN@isbe.net>; KYNASTON KRISTINA <KKYNASTO@isbe.net>; POSTELMANS EMILY <EPOSTELM@isbe.net>

1 attachment (126 KB)

2022-CO-0054SEDS_Complaints_ResponseToCorrectiveAction3.docx;

Attached is an unusual response to CA letter. It is for a complaint in which the district was found in violation of the 70/30 requirements and Barb directed me to draft a letter basically referring the complaint to the district's enhanced general supervision process/integrated monitoring (not even sure the correct terminology). This has been challenging for me, particularly because I'm not well versed on what that process entails. However, I have attempted to channel my creative writing skills and come up with a draft if anyone has time to review it.

Thanks,

Karen Handy

Principal Consultant

Special Education Operational Support Department Illinois State Board of Education

100 North First Street Springfield, IL 62777 217/782-5589

khandy@isbe.net

Re: LOF for Review

From: FAIRBANKS LARRY <LFAIRBAN@isbe.net>

Date: Thu 12/3/2020 2:39 PM

To: Karen Handy <khandy@isbe.net>

1 attachment (120 KB)

2021-CO-0025SEDS_Complaints_LOF..docx;

Your letter is attached with comments/suggestions. The deviation requests and what criteria (if any) that is used to approve is not clear to me. Like you, I don't see how that piece of paper requesting the deviation creates a situation in which it's ok for students to not be receiving services in their IEP. ?

Let me know if you have any questions.

Thanks,

Larry

From: HANDY KAREN <khandy@isbe.net>

Sent: Wednesday, December 2, 2020 3:17 PM

To: CONYER MARK <mconyer@isbe.net>; FAIRBANKS LARRY <LFAIRBAN@isbe.net>; KYNASTON KRISTINA <KKYNASTO@isbe.net>

Subject: LOF for Review

Attached is an LOF for review. This is the CPS complaint regarding 70/30. It is relatively short (9 pages, including signature and appendix), mostly because the district was not at all forthcoming

with information regarding the first two issues. I really struggled with the corrective action so any feedback regarding that would be great.

Thanks,

Karen Handy
Principal Consultant
Special Education Department
Illinois State Board of Education
100 North First Street
Springfield, IL 62777
khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

RE: Corliss complaint - Systemic concern
From SHRYOCK ANDREA <ashryock@isbe.net>
Date Tue 3/29/2022 8:34 PM
To Mark Conyer <mconyer@isbe.net>
Cc Karen Handy <khandy@isbe.net>

Hi Mark,

Ok, sounds good. Deviations are a slippery slope for us because we do not have regulatory language to support. Deviations are reviewed based on the information submitted and reviewed for approval or denial. You can certainly depict systemic issues from some submissions; however, without regulations it has been historically difficult to address with enforcement. As there is an open complaint for this school, any systemic concerns I suppose can be addressed through the complaint process but I'm just not sure how management has addressed similar situations in the past. I am just one of several hands that have been part of deviation reviews over the years...lol.

Have a great rest of your week! Thank you so much for the good vacation vibes! Andrea

Andrea Shryock,
LCPC Principal Consultant
Special Education Department
Illinois State Board of Education

100 N. First Street
Springfield, IL 62777
217-782-5589
ashryfil,k,@isbe.net

From: CONYER MARK <mconyer@isbe.net>
Sent: Tuesday, March 29, 2022 3:17 PM
To: SHRYOCK ANDREA <ashryock@isbe.net>
Cc: HANDY KAREN <khandy@isbe.net>
Subject: RE: Corliss complaint - Systemic concern

Andrea,

Thank you for the explanation about identifying the teacher and the class size consideration. We can touch base on it again after you return to the office.

I hope you have a good vacation. Enjoy the warm weather and time away from the office!

Mark Conyer
Acting Supervisor
Special Education Department
Illinois State Board of Education
217/782-5589

From: SHRYOCK ANDREA <ashryock@isbe.net>
Sent: Tuesday, March 29, 2022 2:37 PM
To: CONYER MARK <mconyer@isbe.net> **Cc:** HANDY KAREN <khandy@isbe.net>
Subject: RE: Corliss complaint - Systemic concern

Hi Mark,

No problem at all! In response to the first question about the teacher names... we see this often as we would like to see deviation requests come through prior to implementation, in which teacher names are sometimes not defined at the time of requests (i.e., summer, in between semesters, or working through another systemic issue of teacher shortage and not having the teacher information during the submission. The deviation request is for the classroom, not the teacher so we have allowed for that accordingly if need be.

In response to the 2nd question, Class size may be more applicable in some cases if all students are spec ed. The information provided in the applications were reviewed according to what was provided and approved. If you feel the 2 applications for those classes should be prepared within a Class Size application instead, I can address that in the response letter if you would like them to resubmit, but all information was reviewed per rubric.

Just let me know how you would like to proceed and I will be out of the office until April 11.

Thanks,

Andrea

Andrea Shryock, LCPC Principal Consultant

Special Education Department Illinois State Board of Education 100 N. First Street

Springfield, IL 62777

217-782-5589

ashryock@isbe.net

From: CONYER MARK <mconyer@isbe.net>

Sent: Tuesday, March 29, 2022 2:05 PM

To: SHRYOCK ANDREA <ashryock@isbe.net>

Cc: HANDY KAREN <khandy@isbe.net>

Subject: RE: Corliss complaint - Systemic concern

Andrea,

Thank you for making the time to review all of the deviation requests. I'm sure it was a very tedious task.

There were a couple items we took note of in the information the district provided that we wanted to ask you about.

- Three classes (2 Spanish and 1 English) didn't list the name of the teacher. Is that information they have to provide?
- Two of the classes (JROTC classes) for which the district submitted deviations included only students with IEPs. Is the difference between the 70% GE/30% SE

requirement and the actual composition of the classes for which the deviation is requested factored into the rubric?

Thank you again for working with us on these requests.

Mark Conyer Acting Supervisor
Special Education Department
Illinois State Board of Education
217/782-5589

From: SHRYOCK ANDREA <ashryock@isbe.net>
Sent: Monday, March 28, 2022 8:22 AM
To: HANDY KAREN <khandy@isbe.net>; CONYER MARK <mconyer@isbe.net>
Subject: RE: Corliss complaint - Systemic concern

Sounds good. Yes, all deviations are approved through the end of June of this school year (don't have the exact date pulled up in front of me).

Mark, just let me know if I should issue the deviations approval letter at this time and I will send Karen a copy for her files.

Have a great day!
Andrea

Andrea Shryock, LCPC Principal Consultant
Special Education Department Illinois State Board of Education 100 N. First Street
Springfield, IL 62777
217-782-5589
ashryock@isbe.net

From: HANDY KAREN <khandy@isbe.net>
Sent: Monday, March 28, 2022 8:10 AM
To: SHRYOCK ANDREA <ashryock@isbe.net>; CONYER MARK <mconyer@isbe.net>
Subject: RE: Corliss complaint - Systemic concern

Thanks, Andrea

The deviations were submitted to me after COB on March 1, 2022 (not sure if you would consider that to be received on March 1 or March 2).

If all applications are approved, then I will need to make revisions to the response to CA letter, because this would mean that the district has met the requirements for #3 in the January 27, 2022, LOF.

Thanks,

Karen Handy
Principal Consultant
Special Education Department
Illinois State Board of Education
100 North First Street Springfield, IL 62777
217/782-5589
khandy@isbe.net

From: HANDY KAREN <khandy@isbe.net>

Sent: Thursday, March 24, 2022 2:00 PM

To: SHRYOCK ANDREA <ashryock@isbe.net>; CONYER MARK <mconyer@isbe.net>

Subject: RE: Corliss complaint - Systemic concern

Thanks for the update, Mark!

Andrea--I forwarded them to you on 3/17. I went ahead and attached the email so you don't have to search for it.

Thanks,

Karen Handy
Principal Consultant
Special Education Department Illinois State Board of Education 100 North First Street
Springfield, IL 62777
217/782-5589
khandy@isbe.net

From: SHRYOCK ANDREA <ashryock@isbe.net>

Sent: Thursday, March 24, 2022 1:42 PM

To: CONYER MARK <mconyer@isbe.net>; HANDY KAREN <khandy@isbe.net>

Subject: RE: Corliss complaint - Systemic concern

Sounds good, will do!

Karen, I will do my best to review them tomorrow and let you know my thoughts. I can't remember, do I have the applications from you already?

Thanks, Andrea

Andrea Shryock, LCPC Principal Consultant
Special Education Department
Illinois State Board of Education 100 N. First Street
Springfield, IL 62777
217-782-5589
ashryock@isbe.net

From: CONYER MARK <mconyer@isbe.net>

Sent: Thursday, March 24, 2022 1:26 PM

To: SHRYOCK ANDREA <ashryock@isbe.net>; HANDY KAREN <khandy@isbe.net>

Subject: RE: Corliss complaint - Systemic concern

Karen and Andrea,

Good afternoon,

I had a chance to talk to Barb this morning about this complaint. We will need to review each of the deviation requests that the school submitted, rather than issuing a blanket approval for all of the requests. I think our next step should be to review the deviation requests before we issue any follow-up correspondence regarding the complaint.

Andrea- Given the number of requests that were submitted, please let me know if you would like some assistance in reviewing them.

Mark Conyer Acting Supervisor
Special Education Department
Illinois State Board of Education
217/782-5589

From: SHRYOCK ANDREA <ashryock@isbe.net>
Sent: Tuesday, March 22, 2022 11:46 AM
To: CONYER MARK <mconyer@isbe.net>; HANDY KAREN <khandy@isbe.net>
Subject: RE: Corliss complaint - Systemic concern

Good morning,

Please see attached samples for the current Remediation Plan for deviations.=

For what it's worth, Barb had Marlee Goldsworthy use the Remediation process (I sent her the letter, etc) but she tailored the process to fit what she needed for a Charter school noncompliance. I'm not sure if that would help to ask her what process she has used, or if it would complicate things but wanted to bring it to your attention for another sample.

Thank you, Andrea

Andrea Shryock, LCPC Principal Consultant
Special Education Department
Illinois State Board of Education
100 N. First Street
Springfield, IL 62777
217-782-5589
ashryock@isbe.net

From: CONYER MARK <mconyer@isbe.net>
Sent: Monday, March 21, 2022 1:18 PM
To: HANDY KAREN <khandy@isbe.net>; SHRYOCK ANDREA <ashryock@isbe.net>
Subject: RE: Corliss complaint - Systemic concern

Karen and Andrea,
Can we meet to discuss next steps for this complaint within the next couple of days?

Mark Conyer Acting Supervisor
Special Education Department
Illinois State Board of Education
217/782-5589

From: HANDY KAREN <khandy@isbe.net>

Sent: Thursday, March 17, 2022 2:59 PM

To: SHRYOCK ANDREA <ashryock@isbe.net>; MOORE BARBARA <BMOORE@isbe.net>; CONYER MARK <mconyer@isbe.net>

Subject: RE: Corliss complaint - Systemic concern

Good afternoon—

I have made every effort to try to combine Andrea's letter with my response to corrective action letter, but I'm not having any luck. I have attached a draft of my letter and would be open to feedback regarding how we could potentially combine these letters to prevent the district from getting multiple correspondence from us.

Thanks,

Karen Handy

Principal Consultant

Special Education Department

Illinois State Board of Education

100 North First Street Springfield, IL 62777

217/782-5589

khandy@isbe.net

From: SHRYOCK ANDREA <ashryock@isbe.net>

Sent: Monday, March 14, 2022 3:52 PM

To: MOORE BARBARA <BMOORE@isbe.net>; CONYER MARK <mconyer@isbe.net>

Cc: HANDY KAREN <khandy@isbe.net>

Subject: FW: Corliss complaint - Systemic concern

Hi Barb and Mark,

Karen and I have provided official communication language in the attached documents. As this is a CPS systemic issue, I am requesting that a CPS monitor be assigned to this concern and follow-up progress monitoring.

There is no ISBE template for a Remediation Plan, as each case is individualized per district specific systemic issues. Additionally, I believe Karen mentions concern for this particular case that should be discussed with management and/or a CPS monitor as this is the 2nd complaint regarding similar concerns.

Thank you, Andrea

Andrea Shryock, LCPC Principal Consultant
Special Education Department
Illinois State Board of Education
100 N. First Street
Springfield, IL 62777
217-782-5589
ashryock@isbe.net

From: HANDY KAREN <khandy@isbe.net>
Sent: Monday, March 14, 2022 1:44 PM
To: SHRYOCK ANDREA <ashryock@isbe.net>
Cc: MOORE BARBARA <BMOORE@isbe.net>; CONYER MARK <mconyer@isbe.net>
Subject: RE: Corliss complaint - Systemic concern

Hi Andrea—

Thanks for drafting this letter. I added some comments and questions in the body of your letter and I have also provided a copy of the letter of findings for the current complaint.

Thanks,

Karen Handy
 Principal Consultant
 Special Education Department
 Illinois State Board of Education
 100 North First Street
 Springfield, IL 62777
 217/782-5589
khandy@isbe.net

From: SHRYOCK ANDREA <ashr:v.ock@isbe.net>
Sent: Friday, March 11, 2022 11:27 AM
To: HANDY KAREN <khandy.@isbe.net>
Cc: MOORE BARBARA <BMOORE@isbe.net>; CONYER MARK <mconyfil.@isbe.net>
Subject: RE: Corliss complaint - Systemic concern

Hi Karen,

Thanks for the phone chat this morning! So nice talking with you... miss ya!

Attached please find the Draft shell letter for systemic noncompliance process that requires a district to submit a formal Remediation Plan to ISBE for approval, followed by quarterly progress monitoring up to two years (we will need to discuss what makes sense for this specific case with an Open Complaint).

Please add any additional information specific to CPS Corliss corrective action, etc. as you see applies for ensuring they continue to follow the complaint process for this district.

I have requested (comment in the draft letter) that Barb/Mark please assign a CPS-specific consultant to this case, as this is a systemic issue for the district. I'm assuming the CPS monitor will consult with you and I moving forward with deviations and the open complaint.

Thanks! Andrea

Andrea Shryock, LCPC Principal Consultant
Special Education Department
Illinois State Board of Education
100 N. First Street
Springfield, IL 62777
217-782-5589
ashryock@isbe.net

From: HANDY KAREN <khandy@isbe.net>

Sent: Friday, March 11, 2022 8:02 AM

To: SHRYOCK ANDREA <ash(Y.ock@isbe.net>

Subject: FW: Corliss complaint

Good morning-

If you get a chance, can you give me a call today on my cell phone to discuss? time today, with the exception of 1:30-2:00.

I am available any

Thanks,

Karen Handy
Principal Consultant
Special Education Department

Illinois State Board of Education
 100 North First Street Springfield, IL 62777
 217/782-5589
khandy@isbe.net

From: CONYER MARK <mconyer@isbe.net>
Sent: Thursday, March 10, 2022 4:04 PM
To: HANDY KAREN <khandy@isbe.net>
Subject: Corliss complaint

Karen,

Barb told me that Andrea is working with two districts currently on remediation plans due to systemic issues with 70/30 or class size. Attached is a correspondence sent to one of those districts. After talking with Barb and Jeremy, we think that a similar approach may be in order for your complaint. I have already asked Andrea if she could touch base with you on her work with these districts. She may reach out to you tomorrow.

Please let me know if you have any questions.

Mark Conyer
 Acting Supervisor
 Special Education Department
 Illinois State Board of Education
 217/782-5589

RE: Tone Assessment

From HANDY KAREN <khandy@isbe.net>
Date Fri 12/18/2020 2:42 PM
To KYNASTON KRISTINA <KKYNASTO@isbe.net>
 But I don't want him to feel free to reach out.... 🙄

Karen Handy
 Principal Consultant
 Special Education Department
 Illinois State Board of Education
 100 North First Street Springfield, IL 62777
khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

From: KYNASTON KRISTINA
Sent: Friday, December 18, 2020 8:27 AM
To: HANDY KAREN <khandy@isbe.net>
Subject: RE: Tone Assessment

A few suggestions in red...

Dr. Kristina Kynaston, Ed.D. Principal Education Consultant Special Education Department
Illinois State Board of Education 100 North First Street Springfield, IL 62777 kkynasto@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possible.

<https://www.isbe.net/Pages/Special-Education-Complaint-Investigation-Process.aspx>

<https://www.isbe.net/Pages/Special-Education-Individualized-Education-Program.aspx>

From: HANDY KAREN
Sent: Friday, December 18, 2020 8:22 AM
To: KYNASTON KRISTINA <KKYNASTO@isbe.net>
Subject: Tone Assessment

Dear Mr. Bowman—

Thank you for your response to the December 11, 2020, letter of findings that was issued in response to your request for a state special education complaint. Based on your letter, I identified the following questions:

What can be done to prevent this practice, that's causing so many of the special needs students to not receive an equitable education?

As outlined in the letter of findings, dated December 11, 2020, the district must complete the following corrective actions:

1. Convene an IEP team meeting for the 7 students with disabilities enrolled in the complaints first period class to determine the amount of compensatory services the district will

provide as a result of the district's failure to verify the provision of direct services in social sciences in the general education setting from October 2019 through January 2020.

2. Convene an IEP team meeting to determine the amount of compensatory services for any students with disabilities enrolled in the complainants current first period class that have not received direct services in social sciences in the general education setting during the current school year.
3. Provide verification that the vacant special education teacher position has been filled. The district is encouraged to take necessary measures to expedite the hiring process. In the event that the position is not filled, the district must initiate the following activities: a. Convene a meeting with relevant school personnel (i.e. administrators, general education teachers, special education teacher, etc.) and representatives of the district, as appropriate, in order to discuss any options for providing special education services in accordance with the IEPs of those students impacted pending the fulfillment of this vacancy. Such discussions might include the provision of a substitute teacher (with appropriate special education administrative supports), the provision of a paraprofessional to provide support to students in the general education setting, or any other creative service delivery methods. b. Apply such options to each impacted student.
4. Make necessary revisions to ensure that each classroom in the building follows the 70/30 class composition requirements outlined in 23 IAC 226.730. If the district is not able to make necessary revisions to ensure compliance with the 70/30 requirements, the district must secure a deviation approval for each class from this agency. The 70/30 Class Composition Deviation Application can be accessed at <https://www.isbe.net/Pages/Special-Education-Deviation-Applications.aspx>.
5. Ensure that 70/30 Class Composition Deviation Applications are submitted and approved prior to the implementation of a classroom out of compliance with 23 IAC 226.730.

As part of number 4 above, I would encourage you to complete the General Education Teacher Assessment Overview and follow the instructions for submitting that information. The document and instructions can be accessed at: <https://www.isbe.net/Documents/34-38A-deviation-class-composition.pdf>

If the students are not doing well in the regular education classroom, and it's out of compliance with the 70/30 rule, why is everyone pretending like there are no self-contained classes during the same class period for both subject areas?

The information cited regarding class sizes in the December 11, 2020 letter of finding came directly from the district's response to the complaint. As such, this is a question that will need to be directed to school administrators. Could also address that per the students' IEPs, placement in the gen ed setting is the LRE, a self-contained class would be inappropriate...

What is your process for ensuring that complainants are not retaliated against for standing up for those who can't stand up for themselves? Or what process is used to attempt to stop the retaliation when bad actors seek to rattle those who seek justice?

This agency does not have jurisdiction to address allegations of retaliation. As stated in the opening letter, dated October 19, 2020, issues involving harassment, discrimination, and/or retaliation may be addressed through the Office for Civil Rights at 312/730-1560. You may also consider talking to your union representative about the options available to address your concerns regarding retaliation.

Maybe add a "Please feel free to reach out with additional questions or concerns..." type of ending so it sounds like you are not being final and blowing him off?

Sincerely,

Karen Handy
Principal Consultant
Special Education Department
Illinois State Board of Education
100 North First Street
Springfield, IL 62777
khandy@isbe.net

At this time, email is the best way to reach me directly. I will respond as quickly as possibl