



Illinois State Board of Education

100 West Randolph Street, Suite 4-800 • Chicago, Illinois 60601-3268-3169
www.isbe.net

Jesse H. Ruiz
Chairman

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

June 16, 2009

Emily H. McCarthy, Special Litigation Counsel
U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, NW
Patrick Henry Building, Suite 4300
Washington, DC 20530

RECEIVED
2009 JUL -9 AM 11:07
EDUCATION OPP. DIV. SEC.

Dear Ms. McCarthy:

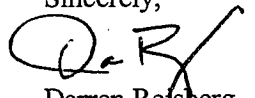
We are in receipt of your letter dated June 8, 2009. You note that such letter “reflects the agreement we reached in our June 5 call regarding the actions that Illinois State Board of Education (ISBE) staff is willing to take to remedy its violations of Section 1703(f) [of the Equal Educational Opportunities Act (the ‘EEOA’)].” We want to be absolutely clear that ISBE does not believe it has violated nor does it believe the United States Department of Justice (USDOJ) has in any way provided evidence of ISBE’s violation of the EEOA.

We did have telephone conferences on May 15 and then June 5. During those calls, we offered to work on ways to demonstrate that, despite a state law explicitly permitting school districts to exit non-proficient students from Transitional Bilingual Education Programs and Transitional Programs of Instruction after three years, we expect any school districts that do in fact exit non-proficient students to provide such students services in accordance with federal law. Please note that we asked you whether it was the USDOJ’s position that the relevant state statute itself, 105 ILCS 5/14C-3, was in violation of federal law, and you did not indicate it was.

You have accurately outlined in your June 8, 2009 letter the actions ISBE staff intends to take and the timeline according to which we intend to take such actions. With respect to the draft Guidance we have discussed, we had asked that you please provide to us any guidance from other State Educational Agencies which you believe comprehensively details federal requirements. Any assistance in that regard would be appreciated.

Finally, we assume that your direction in your May 7, 2009 letter, i.e., that ISBE provide a written response within sixty (60) days, is superseded by the course of action set forth in the June 8, 2009 letter. If that is not the case, please let us know.

Sincerely,


Darren Reisberg
General Counsel

cc: Jeremiah Glassman, Section Chief, U.S. Department of Justice, Civil Rights Division
Robin Lisboa, DELL Division Administrator, Illinois State Board of Education
Irma Snopek, Assistant Legal Advisor, Illinois State Board of Education

169-23-72