



September 9, 2021

Giuseppina M. Piganto

VIA EMAIL

Re: FOIA request dated 9/2/2021 and received on 9/3/2021

Subject: Any and all documentation into the investigation of the allegation of verbal abuse by Coach Deryl Leubner; including and not limited to the alleged allegations, correspondence to and from the school board members and Dr. Sparlin to any individual that presented a position or view on the issue; interview notes; the basis and guidelines utilized to render decision; any documentation of the actual vote on the matter

Dear Ms. Piganto:

This letter will serve as Oswego Community Unit School District 308's response to your FOIA request received on September 3, 2021 under the Freedom of Information Act (5 ILCS 140/1 et seq.), in which you asked for the above referenced information. Attached is our response to your request. Additional information regarding your request is being denied due to the following citation under the Illinois Freedom of Information Act as follows:

1. Section 7(1) (n) of the FOIA: Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

The decision to withhold the information was made by me consulting with our District legal counsel. You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, IL 62706

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC. You also have the right to seek judicial review of your denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

To promote district transparency and assist others who may have a similar question, this responsive document will be posted online on the district's website. To access it, go to www.sd308.org and select *Our District > Freedom of Information Act Request > FOIA Request Responses>FOIA Requests Responses -2021>then select FOIA ID #21-58*.

Please be advised that to comply with your FOIA request, the district incurred an expense that comprised of the cost of labor and resources used to search for records responsive to your request. Let me know if you have additional questions. Thank you.

John Petzke

John Petzke, CFO
Freedom of Information Officer



COMMUNITY UNIT
SCHOOL DISTRICT

World-Class Schools Serving Caring Communities

To: Deryl Leubner, Delta Aquatics Swimming Coach & Program Administrator
From: Kenneth Miller, Executive Director of Human Resources, Payroll and Benefits

CC: Dr. John Sparlin, Superintendent
Personnel File

Date: August 19, 2021

RE: Investigation Findings With Respect To Delta Aquatics

This memorandum has been sent to communicate the findings and decision regarding an investigation into misconduct with respect to your roles as the Delta Aquatics Program Administrator and Swimming Coach.

Investigation:

On July 27, 2021, you attended an investigatory meeting at the District Administrative Center regarding allegations that your conduct as the Delta Aquatics Program Administrator and Swimming Coach and as the High School Girls Swimming Coach violated Board policies and District ethics and conduct standards. Also present at this meeting were Elizabeth Palatine—OEA Co-President, Raphael Daniels—IEA/NEA UniServ Director, Valerie Patterson—Executive Director of Student Services, and me. The allegations with respect to your role as the High School Girls Swimming Coach are still under investigation and will be addressed separately.

During the investigatory meeting, you were informed that the District has received a complaint alleging that you acted inappropriately toward swimmers in Lane 8 during a Delta Aquatics girls' swim practice on June 15, 2021. Specifically, it was alleged that you were yelling at the swimmers, telling some or all of the swimmers in that lane that they "will never make it on the high school swim team," that one was a "mental minimalist," and that another was "completely useless and should become a professional lifeguard." When you were questioned about these allegations, you admitted that you were disappointed with how the swimmers in that lane – [REDACTED] -- were performing on June 15, 2021. You admitted that you did say something similar to "they will never make it on the high school swim team." You also admitted that you should have worded that differently, and that you had misspoken. Though you denied the allegations that you referred to a swimmer as a "mental minimalist," and that another was "completely useless and should just become a professional lifeguard," you stated that it's not inappropriate to refer to a swimmer as 'useless' in the context of a joke. A female swimmer present at the June 15 practice who came forward to defend your actions acknowledged that you were ranting at several swimmers on that date. She didn't know what you were specifically yelling about because you rant at the swimmers so frequently that she tunes out your rantings. At least two swimmers in Lane 8 did resign after the practice that occurred on June 15, 2021.

Kenneth Miller

*Executive Director of
Human Resources, Payroll
and Benefits*

DISTRICT ADMINISTRATION CENTER • 4175 ROUTE 71 • OSWEGO, IL 60543

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In addition to the June 15, 2021 incident, the investigatory meeting also covered allegations of misconduct with respect to your role as the Program Administrator of Delta Aquatics. When you were asked about the accrediting agency that governs Delta Aquatics, you stated that it was governed by USA Swimming. The Delta Aquatics website of which you are administratively responsible as the Program Administrator states:

Delta Aquatics Swim Team Policies

As a club member of USA-Swimming, and for the physical and emotional safety of our athletes, parents, officials, chaperones, coaches, and other non-athlete members of the Delta Aquatics, we have developed and adhere to policies pertaining to athlete and non-athlete safety and conduct. These policies are listed below.

**Anti-Bullying Action Plan
Athlete Electronic Communication
Code of Conduct and Travel Policies
Electronic Communication Policy
Safe Sport Initiative
Parent Conduct / Pool Deck Rules**

The website has active links to the last two policies. When I asked you about the remaining policies during the investigatory meeting, you stated that the anti-bullying policy, code of conduct, travel, and electronic communication policies might be on the website. In an email exchange later that evening, you admitted that there are no active links to the first four policies listed as Delta Aquatics Swim Team Policies. When I asked you for hard copies of those policies, you admitted that those documents have not yet been developed.

Applicable Policies:

The following Board Policies are applicable to the allegations at hand:

- Board Policy 5:120 "Ethics and Conduct" which requires all District 308 employees to maintain high standards in their school relationships, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others.
- Board Policy 5:230 "Maintaining Student Discipline" which requires employees to refrain from disciplinary methods that may be damaging to students such as ridicule, sarcasm, or excessive temper displays.
- Board Policy 7:20 "Harassment of Students Prohibited" which prohibits conduct that includes name-calling, using derogatory slurs, stalking, and causing psychological harm.

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Findings:

1. The allegations that you yelled at female swimmers in Lane 8, made statements such as “you will never make it on the high school swimming team,” referred to a swimmer as a “mental minimalist” and referred to another swimmer as “completely useless and should just become a professional lifeguard” during the Delta Aquatics Practice on June 15, 2021 are credible. There is no dispute that you made the inappropriate comment “you will never make it on the high school swimming team,” to the swimmers, and you acknowledged that you should have worded that differently. Your denial that you never said that a swimmer was a “mental minimalist” or was “completely useless and should just become a professional lifeguard” lacked credibility for the following reasons: No other witness to the events of June 15, 2021 including those who defended your actions disputed that you were either “yelling” or “ranting” at the girls in Lane 8 on the date; you admitted your disappointment with how the swimmers were performing; you admitted that you should have worded other comments differently to them; and you have previously been disciplined for lacking self-control and being verbally abusive to Delta Aquatics swimmers, as described below.
2. You were previously disciplined for misconduct in December 2019 after verbally abusing male Delta Aquatic swimmers in November 2019. On that date, you were upset at the swimmers and repeatedly yelled [REDACTED] directly at individual swimmers. You justified this action because you erroneously thought that they had each failed to do something that you thought that they should have done. As part of that discipline, you received an unpaid suspension, remedial support in the form of a mandatory anger management referral, and a clear warning that any future instances of similar conduct or violations of ethics and conduct standards would result in disciplinary action—up to and including removal from your roles as the Program Administrator and Swimming Coach for Delta Aquatics.
3. Your actions on June 15, 2021 violated Board Policy 5:120 “Ethics and Conduct” on the grounds that they were unprofessional and inappropriate for a coach to use with athletes, violated Board Policy 5:230 “Maintaining Student Discipline” on the grounds that yelling or ranting at the athletes is evidence of an excessive temper display, and violated Board Policy 7:20 “Harassment of Students Prohibited” on the grounds that your actions on that day were harassing and caused psychological harm to students and prompted more than one swimmer to quit.
4. Your comments regarding prior interactions with Safe Sport were evasive and not made in good faith. You denied having been previously warned about your behavior by USA Swimming, only to be reminded that the USA Swimming Safe Sport Program Director had previously warned you that USA Swimming didn’t condone your use of vulgarity in their program.

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5. As Program Administrator, it was your obligation to ensure that the appropriate policies exist and are adhered to, and to ensure that the website provides accurate information to parents and students regarding such policies. You failed to ensure that the Delta Aquatics website is updated and contains accurate information for swimmers and their families. The Delta Aquatics website states that multiple policies intended to protect the physical and emotional safety of all constituents affiliated with that organization exist and are adhered to. This statement is false.
6. Your comments regarding the Delta Aquatics policies were evasive and not made in good faith. You were aware that these policies had not yet been created when you initially stated during the investigatory meeting that those policies were on the program's website. You recanted via email and admitted that, contrary to what is stated on the website, these policies have not yet been created, only after I asked you for hard copies of those policies.
7. Your inaction and evasiveness in your role as Program Administrator violated Board Policy 5:120 on the grounds that you misrepresented the status of the policies applicable to Delta Aquatics, you have allowed the Delta Aquatics website to falsely state that certain policies have been developed and are adhered to for the physical and emotional safety of those affiliated with the program.

Your positions as the Program Administrator and as the Girls' Swimming Coach for Delta Aquatics are at-will positions. Based on the above-listed findings, it is my conclusion that you have ignored the December 2019 warning and have again violated the District's ethics and conduct standards. I am exercising my authority under Board Policy 5:270 "Employment At-Will, Compensation, and Assignment" to terminate your employment as the Delta Aquatics Program Administrator and Swimming Coach, effective immediately. You are directed to immediately turn over all Program Administration information to me including but not limited to financial accounts, registration accounts, usernames and passwords, and contact information for events/meets.

You do have the right to file a written appeal to me by 5:00 P.M. on Monday, August 23, 2021. If you file a timely written appeal, you may have a name-clearing hearing before a hearing officer selected by the District. That hearing would allow you to clear your name and receive the stipends affiliated with the two Delta Aquatics positions through the end of the short course season that ends in February 2022.

Kenneth Miller

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PERSONNEL REPORT
Administration's Recommendation
8/23/2021

TEACHERS

Employment

Last Name	First Name/M.I.		Assignment	Building	Reason	Effective Date
Broznowski	Elizabeth M.		Grade 5 Teacher	GP	Due to Student Enrollment	SY 2021/2022
Burash	Whitney M.		School Psychologist	DAC	Replacement for Emilee Huntley who tranfered to School Psychologist at EVA/TR	SY 2021/2022
Clements	Emily		0.8 Social Studies Teacher	OE	Replacement for Shalisse Cerven who resigned	SY 2021/2022
Conrad	Julie S.		Special Education Teacher	TC	Replacement for Catherina Webster who resigned	SY 2021/2022
Halder	Kelly E.		Grade 2 Teacher	LC	Replacement for Jennifer Malone who resigned	SY 2021/2022
Jacobson	Karen A.		Certified School Nurse	TR	Replacement for Kara Patrick who resigned	SY 2021/2022
Jones	Cecelia		Grade 5 Teacher	WC	Due to Student Enrollment	SY 2021/2022
Lee	Kay M.		Business Education Teacher	OE	Replacment for Deanna Dunn who transferred to Math/Science at TH	SY 2021/2022
Lydston	Katherine E.		Social Studies Teacher	OH	Replacement for Jaclyn King who transferred to Secondary Instructional Coach at DAC	SY 2021/2022
Mayer	Kathleen A.		Grade 5 Teacher	PT	Replacment for Sarah Guzauskas who transferred to 0.5 Social Studies at TR	SY 2021/2022
Rosko	Jeremy		0.6 Spanish Teacher/0.4 Success Lab	OH	Replacment for Amanda Thomas who resigned	SY 2021/2022
Rutherford	Crystal S.		Library Media Specialist	TR	Replacement for Donna Dorilio who resigned	SY 2021/2022

Saenz	Marcela		Science Teacher	OH	Replacment for Brandon Benters who transferred to Dean of Students at OE	SY 2021/2022
Schwertley	Tracie D.		Language Arts Teacher (One Year Only)	TR	Leave cover for Amanda Rossi	SY 2021/2022
Sloan	Brooke		School Social Worker	EVA	Replacment for Melissa Young who resigned	SY 2021/2022
Sullivan	Caroline B.		Grade 5 Teacher	HC	Replacement from Kendra Luebke who resigned	SY 2021/2022
Tulak	Ewa M.		English Teacher	OH	Replacement for Saima Iqbal who resigned	SY 2021/2022

Leaves

Last Name	First Name/M.I.		Assignment	Building		Effective Date
Tarro	Viktorija		Art Teacher	BH		10/7/2021-11/12/2021

Resignations

Last Name	First Name/M.I.		Assignment	Building		Effective Date
Cerven	Shalisse A.		0.8 Social Studies Teacher	OH		5/26/2021
Gasaway	Becky M.		0.5 School Psychologist	BR		8/16/2021
Iqbal	Saima		English Teacher	OH		5/26/2021
Malone	Jennifer M.		Grade 2 Teacher	LC		5/26/2021
Ramsbottom	Elizabeth A.		Science Teacher	MU		5/26/2021

SUPPORT STAFF**Employment**

Last Name	First Name/M.I.		Assignment	Building	Reason	Effective Date
Aladasi	Ranya		Special Education Teacher Assistant	CH	Replacement for contracted staff	SY 2021/2022
Andrews	Carolyn M.		Special Education Teacher Assistant	BH	Due to student IEP	8/19/2021
Baker	Mae-Ning		Special Education Teacher Assistant	HM	Replacement for Lariza Miravete who tranferred to English Learner Teacher Assistant at HM	8/18/2021
Christopherson	Nicole B.		Building Nurse	CH	Replacement for Donna Miller who resigned	SY 2021/2022
Deren	Erica		Principal's Secretary	BE	Replacment for Rosa Restivo who retired	9/7/2021
Esser	Gregory J.		Bus Driver	TRN	Replacement for Emmanuel Vasquez who resigned	SY 2021/2022
Guevara	John G.		Bus Monitor	TRN	Replacement for Judith Mead who retired	SY 2021/2022
Gwilt	Rebecca		Dean's Assistant	PL	Replacement for Timothy Curtis who transferred to Technology Specialist at DAC	SY 2021/2022
Horton	Felicia M.		Special Education Teacher Assistant	SB	Replacement for Shruthy Tallapally who resigned	SY 2021/2022
Moore	Michelle		Special Education Teacher Assistant	OH	Replacement for Anna Pietryszek who resigned	SY 2021/2022
Prebstle	Shannon		Special Education Teacher Assistant	CH	Replacement for Lisa Perreault who transferred to Special Education Teacher at CH	SY 2021/2022
Runde	Janet M.		Special Education Teacher Assistant	CH	Replacement for Kay Oppe who transferred to Elementary Interventionist at CH	SY 2021/2022
Speedy	Courtney S.		Building Nurse	TW	Replacement for Maria Losey who resigned	SY 2021/2022
Stepps	Jennifer A.		Special Education Teacher Assistant	PT	Replacement for Dori Price who resigned	SY 2021/2022
Stewart	Mark		Teacher Assistant	FC	Replacement for Danielle Itter who transferred to Elementary Interventionist at FC	SY 2021/2022
Stockley	Mary C.		Early Childhood Special Education Secretary	BR	Replacment for Mary Kay Scholtes who resigned	SY 2021/2022

Leaves

Last Name	First Name/M.I.		Assignment	Building		Effective Date
Grimm	Elizabeth		Special Education Teacher Assistant	BR		08/23/2021-05/27/2022
Leon	Rosa		Bus Monitor	TRN		08/16/2021-08/27/2021
Long	Diane		Special Education Teacher Assistant	WC		08/30/2021-05/27/2022
Moen	Steven		Custodian	DAC		07/07/2021-09/9/2021

Resignations

Last Name	First Name/M.I.		Assignment	Building		Effective Date
Benoit	Samantha R.		School Bus Monitor	TRN		5/26/2021
Croxton	Dawn R.		Special Education Teacher Assistant	OH		5/25/2021
Frieders	Bradley S.		Dean's Assistant	OH		8/16/2021
Hanna	Micheline		Special Education Teacher Assistant	BR		5/26/2021
Heaton	Michael D.		Special Education Teacher Assistant	TC		5/26/2021
Kroyman	Star M.		Special Education Teacher Assistant	BR		5/26/2021
Marsden	Staci A.		Dean's Assistant	EVA		5/26/2021
Masood	Attiya		Special Education Teacher Assistant	SB		8/30/2021
McCurrie	Michelle M.		Special Education Teacher Assistant	TC		5/26/2021
McGreevy	Amanda E.		Building Nurse	TR		5/26/2021
Parker	Jamie E.		Teacher Assistant	LB		5/26/2021
Pusateri	Gina		Special Education Teacher Assistant	TW		5/26/2021
Schmitz	Annalisa		Custodian	FC		8/13/2021
Strang	Michele M.		Special Education Teacher Assistant	OE		5/26/2021
Szambelan	Carrie M.		Executive Assistant to the Chief Financial Officer	DAC		8/20/2021

Williams	Brooke L.		Teacher Assistant	EVA		5/26/2021
Wonders	Jeffery G.		Special Education Teacher Assistant	TC		5/26/2021
<u>Terminations</u>						
Last Name	First Name/M.I.		Assignment	Building		Effective Date
Leubner	Deryl S.		Delta Aquatics Program Administrator & Swim Coach	OE		8/19/2021