



June 16, 2022

Tim Boecker

**VIA EMAIL –**

Re: FOIA Request received 6/13/2022

**Subject:** request for any all documents related to the bullying investigation that was requested by my wife regarding Oswego East. Included in this request, is how each Board member voted and anything and all that was presented to the District 308 school board related to this matter during June 6, 2022 or whichever meeting generated your joke of letter that was received by my family on June 11, 2022.

Dear Mr. Boecker:

This letter will serve as Oswego Community Unit School District 308's response to your June 13, 2022 request under the Freedom of Information Act (5 ILCS 140/1 et seq.), in which you asked for the above referenced information. Attached please find our response.

Some of the information you requested above is exempt as stated under FOIA Section 7.5(r) disclosures prohibited by the Illinois School Student Records Act and will be denied.

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 2<sup>nd</sup> 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.

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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](http://www.sd308.org) and select *Our District > Freedom of Information Act Request > FOIA Request Responses > FOIA Requests Responses -2022 > then select FOIA ID #22-37.*

Please let me know if you have additional questions. Thank you.

*John Petzke*

John Petzke, CFO  
Freedom of Information Officer



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**To:** Dr. John Sparlin, Superintendent  
**From:** Kenneth Miller, Executive Director of Human Resources, Payroll and Benefits  
**Date:** April 13, 2022  
**RE:** Report of Findings Under Uniform Grievance Procedure

This memorandum is submitted as an official record of my findings as the District's Complaint Manager under Board Policy 2:260 *"Uniform Grievance Procedure"* in regard to the complaints that were filed by [REDACTED] and [REDACTED] ("Complainants").

**Background:**

On the evening of March 9, 2022, I received two emails from the Complainants that constituted a formal complaint against Ms. Margaret Darnell and Ms. Laura Bankowski alleging the following issues regarding discipline received by [REDACTED]:

1. Ms. Darnell was *"hostile toward [their son] in a disciplinary investigation on January 14, 2022..., rolled her eyes at [their son] and scolded him, stating, 'In the real world, you would lose your job for this.'"*
2. Ms. Darnell's issuance of an out-of-school suspension and in-school intervention caused their son to be *"unjustly convicted, unprotected, and unheard, as well as missing [REDACTED] of classroom learning."*
3. Ms. Darnell's paperwork regarding their son's discipline was *"delayed, inaccurate, days of missed school were unaccounted for and the fact that the investigation was mis-handled was not acknowledged."*
4. Ms. Bankowski was *"given specific details and examples of such bullying and intimidation behaviors"* on January 18, 2022 and did not investigate and follow up within the ten days set forth in policy.

A meeting was held in my office with the Complainants at 4:00 P.M. on Thursday, March 17, 2022, to go over their allegations. During this meeting, the Complainants summarized the key points in their complaint, provided me with 24 pages of documentation, and were informed about the complaint process. On Friday, March 18, 2022, the Complainants provided me with an additional 39 pages of documentation. On the evening of Sunday, March 20, 2022, the Complainants sent two emails, one of which contained a video of their son, and the other reiterating what they believed to be key points that were stated during our meeting on Thursday, March 17, 2022. Investigatory meetings were conducted with Laura Bankowski and Margaret Darnell on Friday, April 8, 2022.

**Kenneth Miller**

*Executive Director of  
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**Findings:**

**Scope:**

As the District's Complaint Manager, the scope of my authority to investigate complaints and issue findings is limited to that which has been expressly delegated by the Board of Education in Board Policy 2:260 "Uniform Grievance Procedure."

Board Policy 2:260 "Uniform Grievance Procedure" delegates the authority to investigate allegations that the School Board, its employees, or agents have violated a Complainant's rights guaranteed by the State or Federal Constitution, State or Federal Statute, or Board Policy, or to investigate complaints regarding any of 16 specifically enumerated areas.

The Complainants assert that the investigation into their son's behavior was mishandled (part of Charge #2) and that the disciplinary consequence that was issued was not appropriate (part of Charge #3). I lack the authority to determine whether the investigation into their son's behavior was mishandled or if the disciplinary consequence that was issued as a result of that investigation was appropriate. These matters are currently the subject of a student disciplinary challenge pending before an independent hearing officer who will prepare a fact-finding report for the school board's consideration and action. Thus, my findings will not address these matters. As professional conduct and the investigation into claims of bullying are enumerated in Board Policies 5:120 "Employee Ethics, Conduct, and Conflict of Interest" and 7:180 "Preventing Bullying, Intimidation, and Harassment," I have the authority to make findings regarding Issues #1, #4, and the remaining parts of Issues #2 and #3.

*A. Did Ms. Darnell act in a professional and appropriate manner toward the Complainants and their son?*

The Complainants alleged in their March 9, 2022 email that Ms. Darnell was hostile toward their son in a disciplinary investigation that occurred on January 14, 2022. They alleged that Ms. Darnell rolled her eyes at their son and scolded him by saying "in the real world, you would lose your job for this." In the meeting on March 17, 2022, the Complainants expanded upon this by stating that Ms. Darnell 'showed no empathy, didn't care to validate anything we were saying, and became combative and hung up' on [REDACTED]

When Ms. Darnell was interviewed, she was asked about whether she made the comment "in the real world, you would lose your job for this." She stated that when she asked Complainant's son clarifying questions about the incident, he claimed he didn't know he used a racial slur, to which she responded,

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*"This is the time to learn then. We're in the environment here where we're learning about mistakes and moving forward positively, and you know from our society sports players, actors, and other famous people have lost jobs over twitter posts."*

She then said that he responded by saying, "Yeah, you're right." Ms. Darnell was then asked if she had rolled her eyes at Complainants' son while interacting with him, and she denied ever having done so. With respect to hanging up on [REDACTED], she did admit that this occurred. When she was asked to elaborate, Ms. Darnell said that when they spoke via phone on January 18, 2022, he was screaming at her so loudly that his voice became unintelligible over the phone. She said that when this happened, she told him that she couldn't understand him, to which he replied "well let me dumb it down for you so you can understand what I'm saying." When Ms. Darnell made further attempts to clarify what [REDACTED] was saying, he told Ms. Darnell "look, genius . . . ." It was only after these statements that she ended the call after announcing "I'm going to end this call now."

Board Policy 5:120 "Employee Ethics, Conduct, and Conflict of Interest" states that:

*"All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others."*

I do not find that Ms. Darnell acted in an unprofessional and inappropriate manner against the standards set forth in Board Policy 5:120. Even if the benefit of the doubt were afforded to [REDACTED] with respect to the allegation that Ms. Darnell rolled her eyes at their son, which Ms. Darnell denied, such conduct would not rise to the level of impacting educational or operational activities, effectiveness, or efficiency. Furthermore, Ms. Darnell's statement that others have lost jobs by utilizing racial epithets was both professional and appropriate given the context of the misconduct she was addressing. Finally, ending a phone conversation in which one is being screamed at or subjected to statements such as "...let me dumb it down for you so you can understand" and "look genius" is reasonable.

B. *Did Ms. Darnell delay providing the Complainants with paperwork they requested?*

Complainants allege that Ms. Darnell delayed providing them with documentation that they requested. The allegation was made on the grounds that Ms. Darnell stated that "we have five days to provide the suspension letter and we will be taking the full five days."

When Ms. Darnell was questioned about the statement of "...taking the full five days," she stated that the only time she referred to timelines was with respect to the Complainants' records request on January 18, 2022. She said that they requested all emails and documents

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related to the incident that led to their son's suspension, which included student statements that had to be redacted, and that they expected to pick up those records within an hour of their phone conversation. Ms. Darnell said that she informed the Complainants that the process would take time, and that the records would be ready by that Thursday or Friday. This is corroborated by [REDACTED] statement during my interview with him that "I didn't get [the records] until that Friday morning. The incident was seven days after that point. [sic]"

The Administrative Procedure for Board Policy 7:340 "School Student Records" states that "Access to the records shall be granted within 15 school days after the receipt of such a request."

In reviewing the allegations that Ms. Darnell failed to provide the Complainants with documentation that they were entitled to against the Administrative Procedure for Board Policy 7:340 "School Student Records," I find that no violation of Board Policy occurred, and that Ms. Darnell acted promptly and diligently to coordinate the review, redaction, and provision of the requested records within the same week they were requested.

C. *Did Ms. Bankowski receive notice that the Complainants' son was bullied, and was an investigation completed within the required timelines?*

During the investigatory meeting with Ms. Bankowski, I asked her if [REDACTED] had told her "so, what you're saying is my son was bullied [REDACTED]" She said, "He may have used that, he may have said 'what about the bullying of my son [REDACTED]?' That has been a topic that they brought up." I then asked her if she deemed [REDACTED] statement to be a complaint under Board Policy for which an investigation must occur. She answered by saying "It was part of the investigation I was conducting... I told [REDACTED] that I was in the middle of my investigation and that I would be calling them back about that." I then asked if she followed up with the Complainants to provide the results of the bullying investigation, to which Ms. Bankowski said "yes, I called mom and she brought dad into the situation and just so you know I [REDACTED]" I asked her when this occurred, and she said it was late in the afternoon on January 19, 2022 or January 20, 2022. Ms. Bankowski was then asked if a formal report is generated and transmitted when bullying is brought up. She said that a formal report is not provided, but the school administrators offer to provide the student with a safety plan. When the student returned [REDACTED] he was provided the opportunity to go through the safety plan process to ensure that he felt comfortable in the school environment.

Board Policy 7:180 "Prevention of and Response To Bullying, Intimidation, and Harassment" states that administrators must make "all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received." It also states that parents should receive an opportunity to meet with the

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Building principal to discuss the investigation, findings of the investigation, and the actions taken to address the reported incident of bullying in a manner consistent with laws and rules governing student privacy rights.

In reviewing the allegations that Ms. Bankowski was alerted to an allegation of bullying and failed to investigate within ten days set forth in Board Policy, I find that Ms. Bankowski did investigate and follow up within the required timelines. By calling the Complainants to discuss her findings and inform them that the school could develop a safety plan to ensure that their son felt comfortable at school, I find that Ms. Bankowski's actions met the stated goals of Board Policy 7:180 to provide "*a safe learning environment free of bullying and harassment.*"

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