



## **KIDS TOO Response to the Chicago Public Schools OIG Report**

### **About This Report**

*In Loco Parentis Volume 1* is a response to the Chicago Public Schools OIG Report published January 3, 2023. Our review of the report plus additional allegations making news headlines, prompted KIDS TOO to conduct our own discovery. This report was produced to highlight the importance of schools to prioritize the health and safety of children by providing a trauma-free school environment.

While we applaud the OIG for its effort to provide transparency, our work shows that there's more for parents and the community at large to understand. Our intentions were to pursue this work for a deeper understanding of the process and the levels of involvement that pertain to each level of organizing bodies that shepherd Educator Sexual Abuse/ Educator Sexual Misconduct.

### **Our Approach**

Given the complexity of the Education sector and the structure of the public school systems, it is nearly impossible to have a clear understanding of the roles and responsibilities when it comes to Sexual Allegations about an Educator or an adult in the school setting. Our approach was to build on the gaps we identified in the OIG report; utilize information that is made available to the public, and garner insights from parents and other individuals who have been caught in the wake of Educator Sexual Misconduct at Chicago Public Schools.

# Our Key Findings

#1

## Building Community with Parents is a CPS Core Tenet, Yet Transparency is Limited

Public Schools were created to equip the next generation so they can contribute to the workforce, engage in our communities, and rise above the conditions into which they were born. Bringing it back to the basics and thinking about the purposes of public education can help keep the focus on student success and help us *all* prioritize decisions that promote the long-term good of both kids and community.

Bringing it back to the basics also means understanding the funding sources. Public Schools in Illinois receive the bulk of their funding through local taxes. According to the Illinois State Board of Education (ISBE), nearly two-thirds of school costs are covered by local property taxes. The State of Illinois contributes 24% while the federal government contributes approximately 8%.

Since public schools are funded with public funds, it's sensible that the *public* has a right to know what is being taught, who is teaching them, and how the children perform. Both the parents and the general public (taxpayers) also should have the right to be informed about the qualifications and performance of educators.

While Chicago Public Schools and many other schools districts across Illinois may promote parent involvement as core tenet, from our assessment, there is a disconnect. It seems that the “system” actually filters information to parents and the community in which it services. Through our work, we uncovered that most of the accessible information has been specified by statute (Illinois law). Should there be an area that is not included and not being openly communicated, a parent or community member is left with having to file a Freedom of Information Act (FOIA) request with the school district or other government entity within the education system. In addition to the school district, some information is available only from the Illinois State Board of Education or a Regional Board of Education.

Starting with classroom fundamentals, in our work we learned that a list of teaching materials used for any class is not required to be shared with a broader audience. The school generally will make the materials available for inspection, but the person inquiring has to physically examine the materials in the district offices. The outlines prepared by teachers and the notes they use for classroom instruction are unavailable. As a result, evaluating and comparing what is being taught from one school or school district to another is not possible.

By contrast and by law, our research led us to key information that is available to all: the report card for each school and school district that the Illinois State Board of Education (ISBE) maintains this data [on its website](#). Upon our review, we concluded that these report cards clearly show that the educational system in Illinois is failing.

In closing, all of the above is in line with what our research team experienced with our inquiries into the Chicago Public Schools. Even though CPS lists “Building Community with Parents” as a tenet on its website, through a series of FOIA requests regarding inputs and outputs of their [Parent Surveys](#), as an example, our broad research demonstrates that there is NOT transparency with parents and the broader community.

## #2 The Quest for Educator Licensure Information is Obscure

In the context of Educator Misconduct specifically within Sexual Abuse Allegations, we experienced the difficulty and limiting nature on finding access of Educator Licensure insights. In fact, locating the database of licensed teachers in Illinois was a challenge and not easy to locate by navigating the ISBE website. With our research team’s rigor, the State Board of Education maintains the Educator Licensure Information System [was located here](#). This database shows when a license is issued, when it expires, what Region they work in, and whether or not it was revoked, expired, lapsed, or exchanged. *It does not show which school they work in, or even the District, except Chicago, which is both a region and a district.*

Furthermore, if the license is revoked, the database does not capture the reason. More information is available on revocations, suspensions, and other sanctions in another section of the ISBE website [here](#). It’s worth noting that this database is not searchable. For example: one must know when the sanction was filed and look for the name in an alphabetical listing for each type of sanction for each year.

If there is a filing, it usually does not reveal much information about why the sanction was imposed, even if the license was revoked. Of those our research team reviewed, the filings don’t show where the individual worked. We found that for revocations, it’s common for the Educator to voluntarily surrender his/her license, which results in an automatic revocation. In most cases, it appears, the teacher voluntarily surrendered the license to avoid losing at a revocation hearing.

In many areas of licensed positions like medical, legal, real estate, etc., there are clear cut ways to tracking licensure information. However, in the education sector, it makes it difficult to come to conclusions and take action quickly and productively.

## #3 FOIA (Freedom of Information Act) Submissions Require Tenacity

While it may not be intentional, the FOIA process seems to be designed to limit and filter information, rather than freely provide information to parents and the general public. It also makes it challenging to secure information in efforts to safeguard children.

The process in the Chicago Public School (CPS) system is a great example. A trusted source within CPS told us that those responding to FOIA requests take pride in thwarting, delaying, and blocking access to information, not helping inform the public. Our experience in submitting requests to CPS provides some evidence in support of the insider's report.

Our research team noticed in the most recent CPS Office of Inspector General (OIG) report that sixteen educators had been charged by the Cook County State's Attorney with sex-related criminal offenses during their employment, but only three had been convicted. With the conviction rate at 19%, this demonstrates that the total number of criminally charged cases is very low, considering the number of students in Chicago Schools.

In an attempt to gain some insight into this disconnect, we submitted an FOIA request for all of the OIG documentation for each of these cases, including the name of each teacher charged, documentation on actions taken by the Chicago School Board, and the outcome of each criminal case. Our initial request was completely denied:

**The Chicago Public Schools (CPS) FOIA Office has reviewed your request and determined that the records you seek are exempt from release pursuant to section 7.5(h) of the FOIA. Section 7.5(h) of the FOIA exempts from release “information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general’s office that would be exempt if created or obtained by an Executive Inspector General’s office.” 5 ILCS 140/7.5(h).**

Given that these were criminal cases, we would hope that this information would be readily available to the parent community. Our research team proceeded by requesting select cases in the OIG report that were identified by their case numbers; the 72 cases we identified in the OIG report; documentation of the Chicago Board of Education's final determination on each case; and documents on each case that was submitted to the Illinois State Board of Education.

Given the number of FOIA requests made in a short period of time, CPS declared us to be a “habitual filer”, allowing them more time to respond. After the extended time passed (three weeks instead of one), we were informed that the request was “burdensome” and must be simplified.

Our team resubmitted the request, this time only for the OIG case report. After a three week delay (since we are a habitual filer) the request was denied again, alleging that the FOIA request was “burdensome”. After several weeks of exchanges between our researcher, the Attorney General’s office and the CPS FOIA office, we agreed to accept only the redacted OIG Reports for each of the teachers who were charged. We dropped our request for additional information. It turned out that only six teachers were charged during the period covered by the report, not **16**. We are still investigating these cases and the handling of them by the Chicago School Board and the Cook County State’s Attorney’s Office.

In closing, the process we experienced demonstrates that there’s no authentic interest in being transparent and school systems such as the Chicago Public Schools have levers at their disposal to limit and filter information that addresses true requests from an interested party.

## **#4** **The Chicago Teachers Union Plays a Critical Role Yet Stays in the Background**

### **About Teachers Unions**

The American Federation of Teachers (AFT) was founded in Chicago on April 15, 1916, by founders John Dewey and Margaret Haley. It is the second largest teachers’ union in the country affiliated with the labor union to help educators (its members) obtain better wages, pensions, sick leaves, academic freedom, and other benefits. Through the Depression and war years, the AFT fought many struggles such as economic and job insecurity, tenure laws, and academic freedom. Today, the AFT represents 1.7 million members across 3,000 local affiliates. While the AFT serves its purpose to represent its educator members, in recent years AFT has faced new challenges and scrutiny from taking on strikes and reform during the reopening of schools from the COVID-19 pandemic.

### **About CTU, Local 1**

The Chicago Teachers Union (CTU, Local 1) is a labor union that represents educators (teachers, paraprofessionals, and clinicians) in the Chicago public school system. The CTU played an important role in uniting several teachers’ organizations in Chicago in the wake of a teachers’ revolt against banks during the Great Depression. It was later chartered in the 1930s as Local 1 of the American Federation of Teachers (AFT), in which it played a founding role.

Today, the Chicago Teachers Union (Local 1) ranks 7th on the listing of AFT locals and affiliates with 28,000 members and has a strong ongoing connection with AFT at a national level given its founding roots in Chicago. Throughout the years and more recently in the Chicago Mayoral race, the CTU has been scrutinized for its political donations to campaigns of local, state and federal candidates. Between 2010 and January 2023, the CTU/ AFT Illinois made \$17 million in donations to political campaigns. The CTU also contributed an additional \$2.7 million to the Chicago Mayoral race in support of Brandon Johnson, a former CPS teacher and CTU organizer. Prior to his running for Chicago Mayor, Johnson was a CTU legislative coordinator and a member of the Cook County Board.

In addition to the CTU getting visibility for its political influence, the Covid-19 pandemic also demonstrated the challenges the CTU brought to Chicago Public Schools and the families it serves. For example, in light of returning to in person learning during COVID-19 in 2022, CTU members voted to pause in person learning and teach remotely due to “safety concerns”, and the return of teachers to schools unless CTU demands were met. As a result, the blend of school closings due to the pandemic, teacher strikes, and covid surges, lead to an estimate of 148 closed school days. In addition, recent census data shows the drop in enrollment because parents sought out education solutions elsewhere, like private schools and the Chicagoland suburbs.

Lastly, there has been some disdain for the role of the CTU possibly influencing the teacher performance ratings while data shows that CPS students are underperforming in key learning metrics in English language and Math. For example, in 2022, CPS students scored 20% in English language proficiency vs. 30% statewide schools. For math performance, CPS students scored 15% vs. 25.5% statewide schools. While in 2021, 100% of CPS teachers were rated “proficient or excellent”, 2022 showed a shift to 83.7%.

## **In the Background**

Our research team spent countless hours researching the role of teachers unions; their messaging; their membership benefits; the leadership team history and their ability to galvanize their membership in support of their priorities. We eventually deduced that while the Chicago Teachers Union may intend to prioritize the families, children, and their education, it is our intention to demonstrate to the community at large that the role of the CTU - both presently, and since its founding - is to represent the interests of their membership (the adults/employees/teachers). The remaining elements of the report will demonstrate that the Chicago Teachers Union plays an immense role in how and what decisions are made that impact the handling of educator misconduct.



However, given this immense role, the Chicago Teachers Union tends to stay in the background when it comes to the parent community, instead getting involved in litigious situations impacting the school board and negotiations made with the administrators. Situations where we get visibility into their tactics include but may not be limited to: funding lawmakers, opposing legislation on witness slip ballots and leading strikes.

#5

## The OIG provides a Formal Process for Allegations but Produces Few Convictions

### About the CPS OIG

The mission of the Office of Inspector General for the Chicago Public Schools is to investigate waste, fraud, employee misconduct and financial mismanagement. To carry out this mission, the organization has been given unprecedented power typically unavailable to other school districts. It has far greater investigative capability than either DCFS or the police because of OIG's immediate ability to subpoena witnesses, phone records and other documents. The OIG also can conduct searches of school-owned buildings, vehicles, lockers, desks, and computers without a warrant. No other school district has this capability.

Despite this capability, the OIG came under fire in 2018 as a result of a Chicago Tribune investigative 'Betrayed' series that examined the sexual exploitation of students in Chicago Public Schools. Clearly, leading up that time period, CPS failed to protect its students. At the time it was disclosed that 430 students had been sexually abused, assaulted, or harassed between 2011 and 2018. The CPS Law Department, not the OIG, investigated the cases.

While the Tribune investigation was still underway, the Chicago School Board retained Maggie Hickey, a partner with the law firm Schiff Hardin and a former Illinois Executive Inspector General over agencies under the direction of the Governor, to conduct her own investigation. The Chicago Board of Education also began implementing needed changes that were disclosed during the course of the Tribune investigation. It was also reported by the Chicago Tribune that the Chicago Teachers Union leadership did not engage in Ms. Hickey's process. Once the new process improvements were being implemented by the Board - like stronger background checks and decisions to terminate numerous teachers suspected of misconduct - tensions emerged between the union and CPS administrators.

Another notable change implemented by the Board directed the creation of an Office of Student Protection and Title IX to coordinate all efforts to protect students. The Board also shifted the responsibility to conduct sexual misconduct investigations from the Law Department to the OIG.

## Beyond the ‘Betrayed’ Series

Since the shift was made in 2018, the OIG has been responsible for handling all sexual misconduct investigations when a school employee or contractor is the alleged perpetrator. If the OIG develops information that documents a criminal offense, the agency is required to involve the Chicago Police Department. After doing so, they may remain involved in the case to assist the police.

Despite the improvements in the results of CPS sexual misconduct investigations, there remain some concerns about the OIG’s results. The most recent annual report FY2022 produced by the OIG released in January 2023 shows that between 2018, when the OIG took over the investigation of sexual misconduct cases, and 2022, the office opened a total of 1,733 cases. During that same period the office closed 1,384 cases. However, 2022 was the first year that the office closed more cases than it opened during the year—447 opened and 602 closed - and gained significant ground after the Covid 19 pandemic with the support of more resources hired and trained to support this endeavor.

While the above seems to be promising, only 16 criminal charges with less than half resulting in convictions were from the 1,700 cases investigated by the OIG. We later learned that this reference involved 16 charges, not 16 people. It is a smaller number of teachers who were actually charged with criminal offenses. It is not yet clear yet how many were charged and convicted. We are continuing to investigate.

The report also listed a number of reasons that such cases are difficult to prosecute, but there is nothing unique about the sexual abuse cases involving teachers as compared to other child predators. All cases involving children are difficult. Still, once the decision is made to prosecute the case, the conviction rates should be no different than prosecution for other crimes unless there is a problem with the quality of the investigation or the quality of the prosecution. At this stage, we have no insight into why the numbers prosecuted and the numbers convicted are so low. Our research team has been limited from receiving the information that might uncover the problem.

## Comprehensive Process Leads to Few Terminations

Another issue we identified is the number of cases investigated that led to teachers being terminated. Making a criminal case requires developing evidence of proof beyond a reasonable doubt. Terminating a teacher for sexual misconduct should only require a preponderance of the evidence, in other words, more than 50%. Many cases are described in the report that appear to provide a preponderance of evidence that led to little consequences. Again, we are not sure about this assessment as we were denied access to the information that would allow us to develop a more informed judgment. Our efforts to gather more information remain underway.



## The Chicago Teachers Union Dilutes Educator Misconduct with its Collective Bargaining Agreement

From our objective assessment, it appears that one big factor that dilutes consequences for educator misconduct is through the terms included in the **Collective Bargaining Agreement (CTU contract)**.

To comprehend the process of the Collective Bargaining Agreement, we must first understand how this contract came to be and the important role of unions in it.

### What It Is

The Chicago Public Schools have a Collective Bargaining Agreement with the Chicago Teachers Union that was last negotiated in 2019 and requires sign off by the Mayor of Chicago. The collective bargaining agreement is to be applied to resolve misconduct, and union representatives can bargain with the CPS Board to mitigate punishments for their members (CPS employees) that are accused of misconduct, such as sexual misconduct. The first step that is taken to discipline employees is through progressive discipline. The Collective Bargaining Agreement includes a section about how Educator Misconduct is handled by the Administration. This is designed to be the most effective and optimal for the Educator because the Chicago Teachers Union (CTU) is a Labor union - designed to represent its members, provide member perks (i.e. legal representation) and protect job security for their members.

### Progressive Discipline Creates Phases that Protects the Educator's Employment

According to CPS, the Board must follow the “Employee Discipline and Due Process Policy for Union Employees (Except CTU)” in which the Board embraces the concept of progressive and corrective discipline for Employees. In addition, sexual misconduct falls into Group 4 Acts of Misconduct where progressive discipline can be applied. The Board encourages its managers and supervisors (CPS employers) to use progressive discipline when they believe that an Employee is amenable to correcting his/her misconduct. The CTU contract also states, both parties, the CPS School Board and Chicago Teachers Union (CTU), have to embrace the concept of progressive and corrective discipline for employees.

**CPS defines progressive discipline as a systematic approach to correct unwanted behavior and deter its occurrence by administering disciplinary actions based upon various factors, including but not limited to: (a) the seriousness of the misconduct; (b) the number of times it has occurred; (c) prior acts of misconduct; (d) the attitude and cooperation of the employee; (e) the employee's work history; and (f) the totality of the circumstances.**

The Progressive Discipline process may seem straightforward and efficient, but the following are various factors that help protect the predatory educator versus the student victim:

- 1. Myriad of Steps:** Progressive Discipline consists of disciplinary action steps that give the accused educator contingency of ongoing inappropriate behavior of sexual abuse that could have been prevented in the first place. These 4 steps are: First Warning Notice, Second Warning Notice, Final Warning in Lieu of Suspension, and Dismissal.
- 2. Peers in the Building Serve as Union Reps:** One factor is that at any given step of the procedure, an employee (Educator) is allowed to bring on a union representative (CTU) to his/her defense due to **Weingarten Rights**. Section 7 of the National Labor Relations Act (NLRA) protects employees' right to "self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection". Immediately, the union representative will work in favor of protecting its member.
- 3. Tedious Documentation:** An employee requesting UNION representation will be allowed a reasonable amount of time to secure representation before the disciplinary meeting begins. When this happens, the progressive discipline process can be rigorous and tedious which can delay cases of misconduct, such as sexual misconduct, due to the extensive timeframe it gets to resolve the case with the given time an employee is given to seek union representation.

**CPS acknowledges being fully aware that Progressive Discipline cannot be a solution, and can, in fact, fail to correct various acts of misconduct, such as sexual misconduct as stated "while the Board encourages the use of progressive discipline, circumstances dictate that it cannot be used for every act of misconduct. Therefore, the Board uses progressive discipline at its discretion and does not solely rely on this concept in every instance when taking disciplinary action".**

The disclosure raises the concern of whether progressive discipline has ever been utilized to correct behaviors, such as inappropriate touching, verbal harassment, and others that eventually led to educator sexual abuse, and could have been prevented if not for progressive discipline. If so, is progressive discipline a barrier/halt in the case of conducting an investigation for educator sexual abuse? With difficulty knowing of investigating such cases that may indicate that progressive discipline is an inference in preventing educator sexual abuse, it is certain, in accordance with CPS, that progressive discipline can and may not be effective in resolving such misconducts (i.e. educator sexual misconduct).

## The Ability to File a Grievance Extends the Timeline of the Allegation and Proper Discipline

In the case where Progressive Discipline does not help to resolve the issue of continuous inappropriate behavior/sexual misconduct, the CPS employee (educator) being accused can file a grievance. According to the CTU contract, *a grievance is a complaint involving a work situation; a complaint that there has been a deviation from, misinterpretation of or misapplication of a practice or policy; or a complaint that there has been a violation, misinterpretation or misapplication of any provisions of this Agreement.*

A grievance may be filed by an individual employee, a group of employees or the UNION on behalf of an employee or group of employees. In addition, any bargaining unit employee who is not a member of the UNION or who has not expressed a desire to be represented by it shall have the right to present grievances and appeals on his or her own behalf as an individual through the Chief Executive Officer's Review set forth in Article 3-7 and submit suggestions to the BOARD as an individual, provided that the adjustment is not inconsistent with the terms of the Agreement and that the UNION has been given an opportunity to be present at such adjustment.

## The Union's Role in Grievance Investigations Burdens School Administrators Even More

**1. The CTU contract further explains that during an investigation of grievances, a principal or head administrator shall allow the UNION delegate or his/her designee a reasonable period of time during the school day to investigate grievances.** Furthermore, in the event clarification is necessary as to what constitutes reasonable time, the Director of Employee Engagement, after consultation with the union, shall make the final determination. Prior to the initial conference and upon the request of the union delegate or his or her designee, the principal or head administrator shall provide the union with access to and copies of all existing and available documents that are relevant to the allegations in the grievance, including all documents supporting the board's actions, and shall timely supplement this production if additional documents become available. The union President or his or her designee shall be accorded all the rights of the union delegate in any school or unit. Time allowed shall be confined to investigating grievances that have been brought to the principal's or head administrator's attention.

**2. Throughout the investigation of grievances, negotiations between the UNION and CPS board will be discussed and determined in conferences for however long they may last until a mutual agreement is reached.** The allowed extended timeframe for a union representative to investigate grievances is a significant hindrance in the prevention of further sexual behaviors/abuse and the process of immediately convicting the educator. This creates fatigue, major paperwork, and loss of funds that negatively impact the CPS Board, and create further trauma to the victim. Throughout the investigation of grievances, negotiations between the UNION and CPS board will be discussed and determined in conferences for however long they may last until a mutual agreement is reached.

3. **When mutual agreement cannot be reached between both parties, a grievance mediation panel will be established by assigning neutral grievance mediators.** Grievance mediation is a voluntary, non-binding process using a professional labor mediator to assist the parties in reaching a mutually acceptable resolution to a grievance dispute, when there is an alleged violation of a contract. In the process of a mediation panel, either the union or the board may request that a grievance be submitted to mediation. Grievances submitted to mediation shall be submitted to a five-person mediation panel consisting of a mediator selected by the parties and two permanent representatives designated by each party. One of the board's representatives shall be a current or former principal. The parties shall establish regular meeting dates for the mediation panel, occurring no less often than twice per month or more frequently as is necessary to ensure that all grievances submitted to mediation are heard within six months of the grievance filing date.

In summary, this extensive process, driven when both parties cannot reach a mutual agreement, delays any immediate action convicting the educator accused of sexual misconduct.

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## **The Revocation or Suspension of a Teacher's License due to Educator Sexual Abuse/Misconduct is impacted by a Myriad of Touch Points**

Throughout the collective bargaining process and other procedures, when the accused educator of misconduct is being investigated, **the CPS board will at the end determine licensure sanction.** Licensure sanction is when a licensee may be sanctioned for committing serious acts of misconduct, resulting in suspension or revocation of a license and/or required completion of professional development, pursuant to 105 ILCS 5/21B-75 and 21B-80, and Part 475 rules (23 Ill.Admin.Code 475).

**However, a crucial procedure must follow and that is making a recommendation to the State Superintendent to initiate the final action for sanctions.** The Illinois Superintendent of Education is a state executive position in the Illinois state government that works with the state board of education to provide leadership, assistance, resources, and advocacy so that students are prepared to succeed in careers and postsecondary education and shares accountability for doing so with districts and schools. The State Superintendent's responsibilities, along with the board of education, is to set educational policies and guidelines for public and private schools, preschool through grade 12, as well as vocational education. It analyzes the aims, needs, and requirements of education and recommends legislation to the General Assembly and Governor. **This step is important because many may not know that the State Superintendent has the final overall decision in determining the suspension/revocation of an educator's license.**

Now, why is the State Superintendent involved in licensure sanctions? The reason for this is because the State Superintendent must be notified by law. According to Public Act 102-0702, “the superintendent of the employing school board shall, in writing, notify the State Superintendent of Education and the applicable regional superintendent of schools of any license holder whom he or she has reasonable cause to believe has committed (i) an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act, or (ii) an act of sexual misconduct. This notification must be submitted within 30 days after the dismissal or resignation and must include the Illinois Educator Identification Number (IEIN) of the license holder and a brief description of the misconduct alleged.” Furthermore, Illinois Compiled Statutes, states that “the State Superintendent of Education has the exclusive authority, in accordance with this Section and any rules adopted by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, to initiate the suspension of up to 5 calendar years or revocation of any license, endorsement, or approval issued pursuant to this Article for abuse or neglect of a child.”

### **The State Superintendent also acquires other authority powers:**

1. The State Superintendent of Education shall, upon receipt of evidence of abuse or neglect of a child, immorality, a condition of health detrimental to the welfare of pupils, incompetency (subject to subsection (b) of this Section), unprofessional conduct, the neglect of any professional duty, or other just cause, further investigate and, if and as appropriate, serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension, revocation, or other sanction; provided that the State Superintendent is under no obligation to initiate such an investigation if the Department of Children and Family Services is investigating the same or substantially similar allegations and its child protective service unit has not made its determination, as required under Section 7.12 of the Abused and Neglected Child Reporting Act. If the State Superintendent of Education does not receive from an individual a request for a hearing within 10 days after the individual receives notice, the suspension, revocation, or other sanction shall immediately take effect in accordance with the notice.

2. The State Superintendent of Education or his or her designee may initiate and conduct such investigations as may be reasonably necessary to establish the existence of any alleged misconduct. At any stage of the investigation, the State Superintendent may issue a subpoena requiring the attendance and testimony of a witness, including the license holder, and the production of any evidence, including files, records, correspondence, or documents, relating to any matter in question in the investigation. The subpoena shall require a witness to appear at the State Board of Education at a specified date and time and shall specify any evidence to be produced.

3. The State Superintendent of Education or a person designated by him or her shall have the power to administer oaths to witnesses at any hearing conducted before the State Educator Preparation and Licensure Board pursuant to this Section. The State Superintendent of Education or a person designated by him or her is authorized to subpoena and bring before the State Educator Preparation and Licensure Board any person in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

During this process, licensees have rights. They are entitled to request and receive a full evidentiary hearing before a hearing officer appointed by the State Educator Preparation and Licensure Board (SEPLB) prior to sanctions being imposed.

The last step in the process of a licensure sanction is that the hearing officer makes a recommendation to the full State Educator Preparation and Licensure Board (SEPLB), which makes a final administrative decision on sanctions. If a licensee does not request a hearing, the State Superintendent imposes the sanction recommended.

### **ISBE Role in the Process (Illinois Compiled Statutes):**

1. The State Board of Education may refuse to issue or may suspend the license of any person who fails to file a return or to pay the tax, penalty, or interest shown in a filed return or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

2. At any stage of the investigation, the State Superintendent may issue a subpoena requiring the attendance and testimony of a witness, including the license holder, and the production of any evidence, including files, records, correspondence, or documents, relating to any matter in question in the investigation. The subpoena shall require a witness to appear at the State Board of Education at a specified date and time and shall specify any evidence to be produced. The license holder is not entitled to be present, but the State Superintendent shall provide the license holder with a copy of any recorded testimony prior to a hearing under this Section.

3. All correspondence, documentation, and other information so received by the regional superintendent of schools, the State Superintendent of Education, the State Board of Education, or the State Educator Preparation and Licensure Board under this Section is confidential and must not be disclosed to third parties.



4. The State Board of Education shall receive an annual line item appropriation to cover fees associated with the investigation and prosecution of alleged educator misconduct and hearings related thereto.

In conclusion, the State Superintendent's participation in the final decision-making of a licensure sanction is a fact that many do not know and brings concerns to mind. The State Superintendent has the full power to help convict an educator of sexual misconduct by determining his/her license sanction. This additional step that takes place in collective bargaining and other procedures is important to comprehend in order to put into perspective the amount of extra work, time, and money it takes to revoke/suspend an educator's license, and even more so to find he/she guilty of sexual abuse.

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## **Case Studies**

### **The Case of Eric Skalinder**

As previously noted, between 10% and 12% of children become victims of educator sexual misconduct between kindergarten and twelfth grade. Not all of these students are sexually assaulted; rather, many are groomed by predatory teachers whose intent is to begin a sexual relationship later - once they reach the age of consent. In another common scenario, the teacher may be satisfied merely by the grooming itself but most likely over time, such teachers' desires escalate.

The victims often are afraid to tell anyone about their experience. More often than not kids blame themselves because the slickest of predators skillfully groom their mark that the child believes he/she made the first move and that the sexual activity was the child's idea. Many of these teachers, even after they've been caught and fired, wind up becoming employed somewhere else in a comparable position or some other position that gives them access to children.

For the most part, even when teachers are caught, they don't get convicted. The evidence may not be strong enough, or they are caught for conduct that does not rise to the level of a criminal offense. While they may be fired for an inappropriate relationship, that action rarely shows up on background investigations unless they are accurately documented on an Employment History Review document (Public Act 102-0702).

The case of Eric Skalinder is one such example, which was brought to our attention by a whistle blower who knew several people involved. Skalinder was a teacher at Kelly High School in Chicago for 12 years in the music department as director of vocal music. He also carried out other duties such as direct musical theater performances, recruiting students for the programs, and other general staff teacher duties. Reportedly, he was a popular teacher.

In January 2016 a sexual harassment complaint was lodged against him by a student and an investigation was opened into the charges. The whistle blower provided some documentation about the case and according to an investigative report issued on August 15, 2016, by investigator Jose Reyes, credible evidence was found to substantiate multiple findings of misconduct. For example, from October- December 2015 there were more than 1000 text messages deemed inappropriate between Skalinder and the victim, which breaks down to approximately 11 daily texts for three months. This volume of communication is inappropriate professional conduct by a teacher and is a boundary violation.

Many of the text messages contained sexually suggestive language, for example Skalinder referring to the victim as “irresistible.” And a sequence where the victim wrote “what happened to fulfilling my every desire?” Skalinder replied “All of them? All at once? Surely you jest. You’re spoiled enough as it is.” Skalinder tried to excuse the exchanges as “witty banter.” But the investigator didn’t buy it.

Skalinder also frequently drove the student to and from the high school, even stopping at interim locations on the way, all without permission of the school administration.

Skalinder also talked to his students about his dating and sex life, about how he had dated a former student who attended DePaul and became reconnected through the app, Tinder, about his divorce and other personal topics. One important finding (not included in the investigation) revealed that Skalinder reportedly operated a private BDSM sex club out of his home.

The investigation also established that Skalinder was aware that the victim had been experiencing severe emotional problems—depression, suicidal thoughts, panic attacks. He knew that the girl had engaged in cutting, a clear sign of trauma. Skalinder reportedly even saw the cutting scars on the victim's thighs when she wore shorts and commented to her that the scars were “sexy.” While knowing this, he did not report it to anyone.

Before the investigative report was completed, Skalinder started to move on. He applied for a music position at Glenbrook North High School and was hired to start in August 2016, before the CPS investigative report was drafted. We were able to obtain records from Glenbrook North through a FOIA request submitted to Glenbrook High School District 225 regarding his employment at Glenbrook North. According to their records, he was hired full-time at a salary of \$86,000. Additionally, he was working part-time for the CPS partner organization “After School Matters,” working with high school students as a campus liaison. His work there involved supervising and managing logistical needs for six programs “varsity debate, junior varsity debate, flamenco dance, digital video production, Sports37 and lifeguard training.”

Additionally, according to an informed source, Skalinder also continued working for the CTU as a mentor for teachers working toward National Board Certification.

We believe that Glenbrook North did not conduct a thorough background investigation before hiring him; had anyone contacted the human resources department at CPS Kelly High School, they would have known about the allegations. CPS did not communicate with ISBE until November 2016 when they reported: “the Chicago Public Schools has reasonable cause to believe that Eric Skalinder was dismissed or resigned from the Chicago Public Schools after committing an intentional act of child abuse or neglect as defined in the Illinois Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq. Please contact the undersigned at (773) 553-1700 if you have any questions or concerns in this matter.”

It is not exactly clear to our research team how Skalinder lost his job at Glenbrook North High School. It was suspected that a whistleblower discovered that Skalinder was still employed by the Chicago Teachers Union. Enraged, the whistleblower complained to the CTU leadership, forcing his dismissal. During the course of confronting the CTU, it appears the person also learned of his job at Glenbrook High School. Apparently, the whistleblower called someone at that school and complained as well.

We don’t know this for sure, since the records supplied by Glenbrook North in response to our FOIA request did not include how they discovered the CPS case against Skalinder. All we received was a notice of dismissal dated March 21, 2017, that Glenbrook North sent to Skalinder: “We regret to advise you that the Board of Education of Northfield Township High School District No. 225, Cook County, Illinois, pursuant to Section 24-12 of the School Code of Illinois, has determined that you are to be honorably dismissed effective as of the end of the 2016-2017 school term and not re-employed for the 2017-2018 school term.”

We do not know if he remains employed by the “After School Matters” program.

Although the CPS report was issued in August 2016 and ISBE was notified that Skalinder had been “dismissed or resigned” November 2016, Skalinder’s license status on the state website was not changed to “revoked” until 2019 and the formal filing that it was revoked did not appear until 2020 - this is four year duration from the initial report. At the state level, no explanation or reason for the revocation was provided.

Our investigation of this case is continuing.

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## Foundational Information About Educator Sexual Abuse

The issue of Educator Sexual Abuse is not new. Many organizations, individuals and media representatives have dedicated time and energy to bring awareness to this issue. We are experiencing an unprecedented epidemic of Educator Sexual Abuse.

**Below are anchor data points that support why the Education sector has vulnerabilities with predators.**

1. Predators pursue environments where they can have access to kids. ([CDC](#)).
2. In over 90% of circumstances, the child is being sexually abused by someone they know. ([CDC](#)).
3. [Teachers who sexually abuse students still find classroom jobs](#) (USA TODAY)
4. An estimated 1 in 10 students will experience school employee sexual misconduct by the time they graduate from high school. ([US Department of Education](#)).
5. Even where requirements are strict, the thoroughness of background checks is limited by the absence of an aggregated national search engine for criminal records of sexual abuse and misconduct; search capabilities are limited to individual state and federal databases (Government Accountability Office, 2014; U.S. Department of Education (DOE), Office of the Under Secretary, 2004). Conducting a complete national background check would require searching each of the 50 state databases and the federal records separately, a task few if any districts have time for. This makes it easy even for offenders who have convictions to simply move to another state, where they evade background checks by lying about the state and county of their last employment—without knowledge that a potential employer has lived or worked in a state, the new employer will have no reason to search that state’s system. [Billie-Jo Grant, Stephanie Wilkerson & Molly Henschel \(2019\) Passing the Trash: Absence of State Laws Allows for Continued Sexual Abuse of K–12 Students by School Employees, Journal of Child Sexual Abuse, 28:1, 84-104, DOI: 10.1080/10538712.2018.1483460](#)

# 90%+

of circumstances, the child is being sexually abused by someone they know.

CDC

# 1 in 10

students will experience school employee sexual misconduct by the time they graduate from high school.

U.S. Department of Education

# 3x

Children in low socioeconomic status households are 3 times as likely to be identified as a victim of child abuse.

U.S. Department of Health and Human Services (DHHS)

6. In Illinois, unlike other states, it is not illegal for an Educator to have sexual relations with a student 18+. [The age of consent in Illinois](#) is 17, though if the person is in a position of authority or trust over the victim, then the age of consent is 18. In Illinois, it is illegal for a teacher to have sex with a student at 17, but it is legal if the student is 18. However, a teacher can have sex with a 17-year-old after he or she graduates.

7. [The SESAME Act](#) is legislation that adds new requirements for the hiring of all positions at school entities and independent contractors of school entities that involve direct contact with children (defined as “the possibility of care, supervision, guidance or control of children or routine interaction with children”). The goal of the legislation is to identify those applicants who have been the subject of allegations, investigations, or finding of abuse or sexual misconduct involving a child.

8. 10% of public school students report being sexually abused by a school employee. [School Employee Sexual Misconduct: Red Flag Grooming Behaviors by Perpetrators](#)

9. The Government Accountability Office (GAO) estimates that a single teacher sexually abusing students can have up to 73 student victims. [\[A Case Study of K-12 School Employee Sexual Misconduct: Lessons Learned from Title IX Policy Implementation\]](#)

10. Studies that aim to identify the frequency of sexual misconduct by educators have produced outcomes ranging from 3.7% to 50.3%.[\[US Department of Education: Educator Sexual Misconduct: A Synthesis of Existing Literature\]](#)

# Authors



## **Tania Haigh, Founder & Executive Director**

Tania Haigh is a social impact leader who drives strategy with insights for KIDS TOO and its founding organization, Parents Against Child Sex Abuse (PAXA). Tania's past experience includes business and brand strategy; marketing communications and insights in roles at McDonald's USA, TEDxOakPark and as an entrepreneur supporting Brand Clients with marketing, media and digital plans.



## **Tom Hampson, Child Sexual Abuse Investigations Expert**

Tom's focus is on in-depth exploration of complex child exploitation issues and supports key initiatives like Educator Sexual Misconduct. His career spans 50 years working at international security organizations and a range of Illinois agencies like the Illinois Crime/Legislative Investigating Commission, DCFS, the Secretary of State, and the Cook County Sheriff.



## **Merari Taboada, Research Contributor**

Merari supports KIDS TOO by conducting in-depth research and reporting findings on key issues for educational resources and to inform the organization's policy priorities.