



Illinois State Board of Education

100 North First Street • Springfield, Illinois 62777-0001
www.isbe.net

Darren Reisberg
Chairman

Dr. Carmen I. Ayala
State Superintendent of Education

June 24, 2019

Mr. Ljupco Steriev

SENT VIA ELECTRONIC MAIL TO: ROCKYMEMORIAL@GMAIL.COM

Dear Mr. Steriev:

Please let this letter serve as official notice of the Illinois State Board of Education's (ISBE's) position regarding your apparent harassing and intimidating behaviors against ISBE employees, officials or agents.

It has come to ISBE's attention that you have engaged in harassing and intimidating actions against ISBE employees, officials or agents. Specific harassment and intimidating incidents include calling various ISBE divisions repeatedly and incessantly and calling and harassing specific individuals at ISBE including Dr. Carmen Ayala, Jeffrey Aranowski, Kimberly Clarke, Cara Wiley, Schena Warren Harris and Dr. Lynda Vaughn.

It appears you have embarked upon an extended campaign of repeated phone calls and other harassing and threatening conduct directed toward individuals at ISBE in an effort to intimidate ISBE into complying with your demands. Your campaign of harassment escalated when you sent electronic communications to Ms. Harris beginning on 4/1/19 at 8:06AM, 4/2/19 at 11:19AM and 2:43PM, 4/4/19 at 7:36AM, 4/5/19 at 8:58AM, 4/25/19 at 3:26PM and 3:30PM, 4/26/19 at 1:02PM, 5/7/19 at 2:12PM and 2:13, 5/9/19 at 7:29AM, 12:58PM, 1:01PM, and 1:05PM, 5/10/19 at 10:49AM, 5/11/19 at 9:05AM and 9:07AM, 5/13/19 at 1:40PM, 5/14/19 at 2:44AM, 2:46AM, and 2:47AM [you copied Wanda Wladyslawa Nida on electronic communications dated 5/14/19 and she responded to Ms. Harris at 4:00AM on that date]; 5/15/19 at 3:13AM [you copied Wanda Wladyslawa Nida on electronic communications dated 5/15/19 and she responded to Ms. Harris at 3:58AM and 7:27PM and on 5/23/19 at 2:45AM and 1:22PM], 6/12/19 at 4:39AM, and 6/14/19 at 7:29AM. ISBE is aware that your prior repetitive telephone calls and intimidating and disruptive approach to Chicago Public Schools (CPS) District No. 299 resulted in your arrest by the Chicago Police Department (CPD) on 3/2/15 pursuant to 720 ILCS 5/26.5-3(a)(2) - Harassment through electronic communications and again on 2/19/16 pursuant to 720 ILCS 5.0/26.5-3(a)(2).

In this case, you were specifically requested to stop sending harassing communications to various individuals at ISBE, yet your conduct persisted. ISBE attempted to mitigate your concerns multiple times by: 1) providing information regarding correction of inaccuracies in school student records pursuant to the Illinois School Student Records Act (105 ILCS 10/1, *et seq.*), 2) providing telephone numbers of the Circuit Court of Cook County, 3) providing a list of no-cost-to-low-cost legal resources and 4) offering other technical assistance. Pursuant to her electronic communications to you on 4/3/19 and 4/16/19, Cara Wiley, Director of Regulatory Support and

Wellness, requested to better understand the nature of your complaint to determine if ISBE is able to provide further assistance consistent with its statutory authority. She also offered to discuss the situation with you by phone.

Your electronic communications to Ms. Wiley indicate that the nature of your complaint primarily concerns your academic grades. Your 4/23/19 communication to Ms. Wiley states in relevant part, "...ceo jackson must change my keyboarding C grade to A. Accounting F must be removed as taft forced me to take this class i didnt need to graduate. Times absent must be corrected. For all of the above i have unshakeable proof!" On 4/25/19 your electronic communication to Ms. Wiley states "...i went to jail 3x because of my grades.now i ll fight more than ever to get my hard earned taft transcript corrected, also in memory of my grandma who always made sure i was great student". Ms. Warren was the recipient of an electronic communication you sent on 4/26/19 which states in part, "...N GO TO JAIL 3X OVER CRAPPY GRADES".

Contrary to your demand that ISBE and/or CPS modify your academic grade transcript from approximately a decade ago, be advised that an educational agency or institution is not required by the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) (FERPA) to afford a parent or eligible student the right to seek to change substantive decisions made by school officials, such as grades or other evaluations, The primary source of legislative history regarding this provision is contained in the "Joint Statement in Explanation of Buckley/Pell Amendment," Volume 120 of the Congressional Record, pages 39862-39866, which states that it was "not intended to overturn established standards and procedures for the challenge of substantive decisions made by an educational institution." In fact, Congress and the courts have stated that FERPA hearings are not available to contest or challenge the fairness of grades. (20 U.S.C. § 1232g(a)(2) (2000)). That is, FERPA is intended to require only that educational agencies and institutions conform to fair recordkeeping practices and not to override accepted standards and procedures for making academic assessments, disciplinary rulings, placement determinations, and other evaluations. Accordingly, the right to seek amendment of education records cannot be used to challenge a grade or evaluation unless it has been inaccurately recorded. The Illinois School Student Records Act (105 ILCS 10/1, et seq.) (ISSRA) is consistent with FERPA in this regard. Section 10/7 (105 ILCS 10/7) provides in relevant part:

(a) Parents shall have the right to challenge the accuracy, relevance or propriety of any entry in the school student records, exclusive of (i) academic grades of their child and (ii) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring. (d) Parents shall also have the right to insert in their child's school student record a statement of reasonable length setting forth their position on any disputed information contained in that record. The school shall include a copy of such statement in any subsequent dissemination of the information in dispute.

Be advised that your course of conduct may be a violation of state criminal statutes, including 720 ILCS 5/26.5-2 (a)(2) - Harassment by telephone, *People v. Brou*, 2017 IL App (1st) 143896-U; 720 ILCS 5/26.5-3 - Harassment through electronic communications, *People v. Mansoori*, 2017 IL App (1st) 151832, appeal denied, 98 N.E.3d 43 (Table) 420 Ill.Dec. 739; 720 ILCS 5/12-6 (a) - Intimidation, *Cooper v. City of Chicago*, No. 11 C 6233, 2012 WL 4061039 (N.D. Ill. Sept.

14, 2012) and 720 ILCS 5/26.5-1, Transmission of obscene messages, *Tamique v. Richardson*, 2015 WL 4755213, N.D.Ill.

ISBE hereby demands that your harassing and intimidating conduct as set forth herein must CEASE AND DESIST immediately.

This letter also puts you on notice that should you refuse to comply with the demand that you cease and desist from all harassment and intimidation and continue to pursue these activities in violation of this letter, ISBE will not hesitate to pursue further legal action against you to rectify this situation, including but not limited to civil action and/or criminal complaints.

Note that a copy of this letter and a record of its delivery will be stored. Further, this letter is admissible as evidence in a court of law and will be used as such if need be in the future. Nothing contained herein or omitted herefrom shall constitute an admission of any facts or a waiver of any of ISBE's rights or remedies, whether at law or in equity, all of which are hereby expressly reserved.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie E. Jones".

Stephanie Jones
General Counsel