

Results of the Corey H. Settlement Agreement

Summary of Litigation

On May 22, 1992, a class action lawsuit was brought on behalf of all children who are or will be identified by the Chicago Public Schools as having a disability and who are entitled to receive special education services. The lawsuit was brought against both the Board of Education of the City of Chicago ("Chicago Board") and the Illinois State Board of Education ("ISBE") claiming that, as a result of their policies and practices, children with disabilities were not educated in the least restrictive environment ("LRE") as required by federal law. On February 1, 1993, the Court granted Plaintiffs' motion for class certification.

In August 1997, the plaintiffs and the defendant Chicago Board reached a tentative settlement. The Court preliminarily approved the settlement with the Chicago Board on October 23, 1997. The Court conducted a fairness hearing regarding the proposed settlement on January 16, 1998, and entered an order approving the settlement agreement on that date.

From October 20, 1997, through October 23, 1997, the case against ISBE went to trial. In February 1998, the Court issued findings of liability against ISBE.

In mid-December 1998, the plaintiffs and ISBE reopened negotiations regarding possible settlement. On March 24, 1999, the Court preliminarily approved the ISBE agreement. A fairness hearing was held on June 18, 1999, following which the proposed agreement was approved and finalized.

Principles of the Settlement Agreement

The Settlement Agreement is consistent with the following principles:

- State and federal laws mandate the requirement that children be educated in the LRE.
- Interaction with non-disabled children shall always be provided to the maximum extent appropriate in accordance with each child's individualized educational program (IEP).

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Summary and Actions of Key Features of the Settlement Agreement

1. ISBE Organization and Staff

ISBE shall be responsible for the implementation of the Settlement Agreement, which was finalized on June 18, 1999. The Special Assistant (now Deputy Superintendent for Special Education) will report directly to the State Superintendent and will directly oversee ISBE programs and employees whose primary and secondary responsibility pertains to the education of children with disabilities in the LRE. The Corey H. Administrative Facilitator (Division Administrator for LRE & Monitoring) will act as the primary point of contact for all matters relating to Corey H. and will provide leadership in implementing all aspects of the Settlement Agreement.

Sufficient staff will be employed by ISBE to carry out the obligations of the agreement. All monitoring staff shall be knowledgeable about special education law and practice as related to the LRE mandate and have expertise to carry out their responsibilities.

Action to date taken by the Illinois State Board of Education

A reconfigured Special Education Center has been created within the Illinois State Board of Education.

On August 1, 1999, ISBE hired Mr. Jimmy Gunnell as the LRE and Monitoring Division Administrator to provide leadership in implementing the Agreement. Four Principal Consultant positions have been advertised and one is filled. With the hiring of three additional staff members, ISBE will have fulfilled this portion of the Agreement.

2. ISBE Policies and Procedures

- a. ISBE shall provide leadership in the implementation of policies that support the education of students with disabilities in the LRE.
- b. ISBE shall adopt a specific policy statement regarding the importance of the LRE mandate of the federal Individuals with Disabilities Act (IDEA) and the leadership role that ISBE shall take to ensure the implementation of the policy in Chicago. This policy shall be widely disseminated in Chicago.

- c. ISBE shall review and adopt revised procedures ("LRE Procedures") for monitoring and enforcing the LRE mandate of the IDEA; attaining district-wide targets for LRE in Chicago and benchmarks leading to these targets; and meeting other requirements of the Agreement in the Chicago Public Schools (CPS).
- d. The LRE Procedures shall require collection of information that is sufficient to monitor the education of students with disabilities in the LRE; determine whether benchmarks and targets are being accomplished; identify systemic violations, if any; and determine the adequacy of corrective action plans.
- e. The LRE Procedures shall require that ISBE collect individual school and district wide information to determine whether IEP decisions regarding LRE are individualized, justified, and appropriate. ISBE will monitor the implementation of IEPs and determine student progress.
- f. When ISBE monitoring identifies violations of the LRE mandate or other requirements of the Agreement, ISBE shall issue a report. Based on the report, CPS, in collaboration with local school personnel as appropriate, shall develop a Continuous Improvement Plan (corrective action plan) that must be approved by the ISBE.
- g. The approved LRE Continuous Improvement Plans shall be monitored by ISBE. ISBE shall take actions to ensure implementation of the plans and enforcement of the requirements of the law and this Agreement.
- h. ISBE shall revise as necessary its complaint management procedures.
- i. ISBE shall revise its policies and procedures for quality assurance, pre-school services, school report card, and state-sponsored testing in various ways to comply with the LRE mandate.
- j. ISBE special funding policies must be consistent with the LRE mandate of the IDEA.
- k. ISBE will redesign its teacher certification policies for all teachers over the next three years in order that teachers are prepared to provide appropriate services to children with disabilities in the LRE.

Action to date taken by the Illinois State Board of Education

In August of 1999, ISBE sponsored training on the Least Restrictive Environment for ISBE Special Education staff, Chicago Public School staff, the Court Appointed Monitor and the Plaintiffs' Attorney.

Also in August, a draft implementation plan was submitted to the Monitor and all involved parties. ISBE is presently negotiating with the parties concerning the implementation plan.

The Corey H. Continuous Improvement Monitoring Process Manual has been finalized.

A LRE policy statement has been developed and is being reviewed by the Board for adoption.

3. Professional Development

ISBE must ensure that the State's Comprehensive System of Personnel Development (CSPD) and the Chicago Board's CSPD are designed to provide trained and qualified personnel to implement the provisions of IDEA in Chicago and throughout the rest of Illinois.

4. Allocation of Resources to Support the Requirements of the Settlement Agreement

ISBE shall provide the Chicago Board with \$2.75 million dollars per year for seven years beginning in the 1999-2000 school year and continuing throughout the term of the Settlement Agreement until January 16, 2006, unless earlier released from this obligation by the Court. Appropriate uses of these monies are outlined in the Settlement Agreement.

Action to date taken by the Illinois State Board of Education

The Part B Discretionary Grant for FY2000 Corey H. Training and Technical Assistance Project was awarded to Chicago Public Schools #299. Appropriate uses of this grant award are outlined in ISBE's Settlement Agreement.

5. Dissemination of Information

- a. ISBE will require the Chicago Board to develop and disseminate a handbook detailing the provisions of LRE in the Chicago Public School District.
- b. ISBE is contracting with Project CHOICES for three years to establish a Corey H. Clearinghouse that will provide information and assistance to parents and professionals in Chicago regarding issues relevant to the Settlement Agreement and its implementation.
- c. The ISBE, working with the Chicago Board, has disseminated information about the Agreement to parents, Chicago Board staff, and local school council members, and has convened two public meetings in Chicago to further explain the Agreement.

Action to date taken by the Illinois State Board of Education

A website has been created by the Project Choices to provide technical assistance for the Clearinghouse. The address is www.leastrestricative.org and includes information on the rights of students and families/ requirements for IDEA '97, the legal responsibilities of schools for placement and supports in the LRE, support group information, and many more topics.

Technical assistance can also be gained by calling Resource Specialist Anita Johnson at 630/778-4508.

6. Implementation Plan

ISBE shall develop and realize an implementation plan, which shall be a comprehensive blueprint of how ISBE will satisfy its obligations under the Settlement Agreement.

Action to date taken by the Illinois State Board of Education

The Implementation Plan is still being negotiated.

7. Monitoring

Prior to the entry of ISBE's Settlement Agreement, Jude Gettleman appointed a Monitor to oversee all aspects of the implementation of the Settlement Agreement and to take any reasonable steps necessary to ensure compliance with the Agreement. The Chicago Board and ISBE will pay the Monitor's expenses.

Action to date taken by the Illinois State Board of Education

ISBE and the Chicago Board are paying the Monitor's expenses and the Monitor has hired additional staff to perform the oversight function.

8. Other Provisions

- a. As the prevailing parties, plaintiffs are entitled to attorneys' fees that shall include future services regarding implementation and enforcement of this Settlement Agreement.
- b. The Court shall retain jurisdiction over this matter for a period of time coextensive with the Chicago Board's Settlement Agreement ending January 16, 2006. Any party may petition the Court for an earlier termination or for an

extension of the Settlement Agreement but such a petition will be granted only in extraordinary circumstances.

- c. Neither ISBE or the Plaintiffs do not believe that the entry of this Agreement violates any Federal law. All parties agree to fully support the approval and implementation of the Agreement and will not challenge or attack the terms except as provided for in the Agreement.
- d. The Plaintiffs and ISBE jointly agree on a class notice and submit it to the Court Monitor for approval. ISBE and CPS worked jointly to distribute the class notice.
- e. Either Plaintiffs or ISBE may submit a motion to the Court to modify the Agreement for good cause.
- f. The parties shall use all reasonable means, including discussions with the Monitor, to resolve any disputes prior to seeking the involvement of the Court. The matter may be submitted to the Court if the parties are unable to resolve the dispute.
- g. The Settlement Agreement is binding on ISBE and

on all its successors.

- h. ISBE must seek relief from this Federal Court if any state court would require action contrary to the Agreement. Only the Court, the Monitor, or other person or entity appointed by the Court shall have the authority to determine compliance with the Agreement.

The Agreement represents the best efforts of the Plaintiffs and ISBE to ensure that students with disabilities enrolled in the Chicago Public Schools are educated in the least restrictive environment. The Plaintiffs and the ISBE believe that the Agreement is consistent with the requirements of the IDEA and its implementing regulations and with the federal law, and that it fairly addresses the Plaintiffs claims against the ISBE.

For information about special education programs, please contact Deputy Superintendent for Special Education Services, Gordon Riffel, at 217/782-3371.