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>> NANCY KRENT: We will be starting in five minutes.  
CPS.

(Pause)

>> NANCY KRENT: This is the Illinois State Board of Education's public inquiry into the special he case practices in the Chicago Public Schools. I want to welcome everyone. Both the people who are here and the people who are watching or listening to this on live stream. We want to let people know also that the proceedings are being closed captioned and the closed captioning can be found on the ISBE website on the public comment page -- public inquiry page, rather.

First of all, I'd like to welcome you here on behalf of the Illinois State Board of Education, I'm Nancy Krent, the facilitator of the public inquiry. With me are Rupa Ramadurai, on my right, who is the ISBE representative on the public inquiry panel, and on my left Rich Cozzela, the advocacy groups representative on the public inquiry panel.

We also have with us Kim Brice, and I'd like to welcome everyone on behalf of Chicago Kent College of Law and we want to thank the law school for allowing us to use their facilities. We welcome all the members of the public, but especially the law students who may be here today or may be joining us later to observe.

I want to start by describing the public inquiry process for people. This is a first for Illinois. Hasn't been used here before. It's rare throughout the country. The public inquiry panel is intended as a way for ISBE to do fact finding on issues brought before it in a way that is more transparent and open to the public than the traditional complaint resolution process.

The inquiry panel was tasked with reviewing four issues. Those issues are, number one, the CPS electronic IEP system which will be referred to throughout the proceedings as SSM system either alone or in conjunction with CPS policies and procedures results in a denial or

delay of required services or limitations under required continuing services to students.

No. 2 to CPS's documentation and data collection departments resulting in the unlawful denial or -- to CPS's documentation and data collection requirements result in unlawful denial or delay in the identification of eligibility or provision of special education and related services to students.

No. 3, does CPS's budgeting system result in unlawful denial or delay in the provision of special education related services to students and No. 4 if CPS's policies regarding transportation resulted in an unlawful denial or delay in the provision of needed transportation services to students.

The public inquiry panel has spent the last two months gathering information from the parties as well as from third parties. We have received and reviewed more than 8600 pages of documents. We've held multiple meetings with both parties, we've seen demonstrations of the SSM system, met with CPS staff to understand and review their budget process more fully, met with various departments within the state Board of Education to determine what information is to be regularly maintained that relates to the issues before us to help resolve some of the questions and gather some of the information we need. We have reviewed various due process decisions and state complaint findings related to the issues brought before us. And working with ISBE attorneys we have conducted numerous public comment sessions where we were able to gather feedback from parents, from community members, and from CPS staff members.

We're hearing testimony from witnesses over the next few days, to help us get further clarification in the areas where we still need more information. To help us develop a deeper understanding some of the issues and to allow each party to ask questions that they think will help elucidate the facts for us. We want to let people know that this is not an adversarial or quasi judicial hearing, so the questioning will not look like the traditional direct examination/cross-examination that some of you especially the law students may be familiar with.

The parties are not charged with trying to persuade us of a particular legal theory and no party will win or lose this proceeding. Rather we intend this hearing to be a chance for us, the inquiry panel, together with the parties, to understand the facts more fully. As a result, instead of the usual judicial process where one party presents a witness, then the other party cross-examines, with the judge remaining a passive observer in the process, in our process, which is modelled more closely on a traditional legislative hearing, the inquiry team will take the lead and will ask the bulk of the questions. We will focus on the areas where we have questions, where we think we have more to learn and then we will give each party a limited opportunity to ask additional questions that the party believes will be helpful in developing the facts that the inquiry team needs.

After this process is completed, the inquiry team will be preparing a report containing factual findings regarding the four issues which we will provide to the ISBE state superintendent and general counsel. They will use this report to help them and state board decide which if any additional steps need to be taken in this manner.

For example, if an appropriate as with any other complaint made against a school district, they may choose to provide technical

assistance, or require corrective action be taken. If they find that is warranted by some of the facts. That is a decision that will be made by the state Board of Education and not by the inquiry team. I also want to review some logistics. We expect to go until about four o'clock today. But our times will vary each day slightly depending on the length and nature of the witness' testimony and schedule of witnesses we're accommodating. We will be taking breaks as needed including a lunch break in the middle of the day.

As in every public event you've been to in the last several years, I'm going to remind you, please place your phones and any other devices on silent or turn them off entirely. Please note you may not use flash photography, it's distracting to the people who will be testifying and to those of us who are trying to read on stage.

As I said, the event is being live streamed on the ISBE website. You can find that at [www.ISBE.net/publicinquiry](http://www.ISBE.net/publicinquiry). There is a closed captioning option available at the same site. Our recording of the hearing will be posted at the same website. Beverages are allowed in the Chicago Kent auditorium, but food is not. So please be respectful of our host and do not bring food into the auditorium.

The restrooms, if you need them, are located on the other side of the main staircase. Past the elevators. The men's and women's rooms are there both. Our schedule for -- and as a reminder, all members of the public and the media are welcome to attend. And we're glad that you're here. However, there will not be any public comment at any point during the three public hearing days.

Our schedule for today is we will start with opening statements by each party, limited to 15 minutes, the parties have decided that the advocates will give their opening statement first. Followed by Chicago Public School, we then plan to hear as many from three witnesses, Elizabeth Keenan, Kristy Brooks, and Gregory Volan. We will give each witness a chance to make a brief opening statement followed by questions from the inquiry team and then the parties.

Finally, for those of you who are here, I also want to remind you that it's great that you're here because I think it's important element of civic engagement for you to stay engaged in what's happening in your community. But the most important element of civic engagement today is taking place somewhere else. It is election day. If you have not already voted, we will adjourn at 4:00, plenty of time for you still to get to your polling place and vote. Not speaking on behalf of any government agency, but on behalf of myself, I urge you all to go vote today.

All right. We are going to begin with opening statements. Miss Brice will keep the time. I will also be keeping the time. We will stay strictly to the 15-minute limit.

>> OLGA PRIBYL: I'm going to talk really fast.

>> NANCY KRENT: You're not allowed to talk fast because of the closed captioning, unfortunately. All right. Feel free to begin.

>> OLGA PRIBYL: Good morning, my name is Olga Pribyl; I'm one of the attorneys from the advocates. Thank you. We are here today because of students like Amelia, you will hear testimony from her father that Amelia is a first grader who has a generic condition that makes her nonverbal and entirely dependent on others to complete basic activities of daily living. Due to the severity of her disability and her own teacher's recommendation, her father requested a dedicated care

professional for her in September of 2015 when she first started kindergarten.

Despite her obvious need for an aide, data needed to be collected. An aide was finally approved and an IEP meeting in late October. But because of the budgetary issues, that were referenced in an email from the school's own principal, Amelia didn't receive an aide until almost three months later.

You'll hear from Amelia's father, that because she didn't have an aide, Amelia was left on an elevator with no way to call for help because she's nonverbal. This school year has been no better. Although she's supposed to have a dedicated aide, her aide is being used to support other students to Amelia's detriment. In September she came home with a gash to her head and a shirt that was saturated in blood because a student threw a lunch box at her head.

In February she fell from her chair and sustained a bloody and bruised nose and was taken to the emergency room and is in an ambulance to have a CT scan. The question remains to be answered where was her dedicated aide?

Her father will also testify that this was a frightening incident for any first grader to endure let alone a student with disabilities as severe as Amanda's. He'll testify that he sought approval for ESC, but it was unnecessarily delayed because he unknowingly asked for it before the system would allow for it to be considered. He'll also tell you that it's his belief that data collection requirements and budgetary constraints negatively impacted his daughter. Last year -- lastly, you'll hear concerns that he has for those parents who aren't lawyers like he is, and who don't have an education resources or speak English.

It is his hope and ours as well that through this process ISBE will ensure that CPS gives students with disabilities what they need by having a transparent system that parents and IEP teams can easily navigate and without illegal and burdensome requirements, unnecessary delays, and budget dollar tug-of-wars to a special education and general education students.

The testimony you will hear over the course of three days will highlight that there is a two-part problem facing children with disabilities in Chicago Public Schools. First, due to the needed administrative sign-offs, lost in the IEP system and data collection of which parents advocates, and even frontline school staff alike have no way to figure out, it has become increasingly difficult to obtain vital things such as ESC, paraprofessional support, transportation and transportation aides, separate day services and related services and that the student deserves -- when finally put into the child's IEP, they are being delayed or even worse, not given because of budgetary reasons.

You will hear testimony from those who work in central office downtown about how they form policies, whether they're purported intent or goal was, what the justification was and how they think everything should have worked. However, I want you to pay particular attention to what you hear from parents and teachers and advocates who first hand actually attend IEP meetings in schools and witness the problem and devastating consequences of the CPS system. You'll hear from staff who go to dozens of IEP meetings who are in the classroom every day, and they'll tell you how these policies actually work and how they actually didn't work and for the children who so desperately needed the

requested support services and placement.

You'll hear how these policies and practices really impacted children; how they led to delays in services, denial of services, repeated IEP meetings for parents that were -- that were difficult for them to attend, how teachers get to spend time away from the classroom in order to collect data or from teaching, and how there was a lack of adequate teachers and paraprofessionals in the classroom; and that IEPs frankly weren't being implemented. But what you won't hear from these witnesses is how these policies created a better special education program.

Instead, you will hear how they produced confusion, wasted time, and created massive restrictions on the IEP team's ability to serve their students, no matter the reported intention by the CPS administrators, the fact is clear, they have resulted in and continue to this day to create a massive delay and denial of services.

You will hear testimony on the four issues before the inquiry team but note that the stories you hear are mere fraction of the hundreds, if not thousands of stories just like it. On issue one you will hear testimony that CPS's electronic IEP system resulted in an unlawful denial or delay of required services to students. You'll hear testimony from both Amelia's father and Amelia's mother, that the system caused a delay and denial of their child's ability to obtain a dedicated aide, despite support from the IEP team.

As for the professionals in the school, you'll hear from Christy Brooks, Bessie Tsitsopolos and Betsy -- all who will tell you the CPS practices in 2016 consistently overrode and interfered with the IEP team's decision in critical services including transportation, paraprofessional support, EFY and separate day school placement. They will testify that IEPs didn't accurately reflect the team decision or the children needed in order to receive a FAPE in their least restrictive environment in a violation of the IDEF.

They will testify about the lots and lots of -- they will testify about needed forms and needed prior approval from principals, or district representatives and the resulting denials or delays to children in need of special education services. They'll testify how they experience impermissible predetermination or vetoes of the IEP team's decision outside the context of the IEP meeting. Make sure to ask them about the specific examples they witnessed and the retaliation they suffered.

Finally, they will testify about the disservice to parents who are entirely excluded from this process and often have no knowledge of the district representative's involvement in predetermining or vetoing services, how their needs to be multiple meetings at a great burden to the parents and the resulting delays or even complete denials of the special service, although there have been some supported changes, they will testify that problems persist.

As to issue 2 you'll hear the CPS documentation and data collection requirements resulted in unlawful denial or delay. You'll hear the heartbreaking testimony from Amelia's father and Miles' mother that, due to delays in receiving paraprofessional support, because of data collection requirements, their children suffered terrifying consequences. Miles actually had a -- found wandering by the road with injuries.

School staff will also testify how the onerous data collection

requirements resulted in the denial or delay of services for support and placement. Listen for testimony on how this specifically resulted in a significant drop in ESY and took time away from much-needed teaching minutes.

For issues 3, testimony will show that CPS's budgeting system resulted in an unlawful denial or delay in the provision of special education and related services to students. You'll hear from Miles' mother and how her son's school filed an appeal to obtain necessary funding for paraprofessional. When the appeal was denied, Miles' mother participated in a phone call with Mr. Gorman, who admitted that no one disputed that Miles needed an aide, but CPS was facing a 215 million dollars shortfall, so that the school's principal would have to find the funds for the paraprofessional in the school's existing resources.

During his current school year, the school's budget again fell short for required paraprofessionals. School staff will testify about unmet minutes, unfulfilled IEPs and appeals for additional special education staff that were denied.

Listen closely to Betsy's testimony, and she will sadly tell you that the IEP process has been gutted. Instead of having parents, special education teachers, and clinicians determine what services and supports children need, this decision-making process has been left up to district representatives and principals. This improper authority has -- and decision-making has been given to persons with an eye towards the budget rather than what the student needs.

Lastly, on issue 4, you will hear testimony that supports that CPS's policies resulted in an unlawful denial or delay in the provision of needed transportation services to students. You'll hear countless testimony from school staff how district representatives continually interfere with the IEP team's consensus on transportation. Including multiple examples of students who have previously received transportation and face dangerous situations without it.

Margie Wakelin will describe how Equip for Equality was inundated with requests for assistance regarding transportation. One fellow, a 6th grade student with autism who had safety awareness problems and an inability to navigate streets was denied transportation services. It took one year later and representation by an attorney for his transportation to be reinstated. The justification at the IEP meeting was that he had a disability of autism. His disability had never changed. But CPS's policies had.

This is just some of the testimony you will be hearing that shows that CPS has designed a system that indisputably uses budgets to drive the IEPs, takes authority away from IEP team, and places authority solely with the central office administrator; and wholly excludes parents who don't know about the specifics of the procedures required personnel for sign-offs, required data to be collected prior to considering certain services, or required window for considering ESY. As a result the cornerstone processes IDEA, the IEP team, is meaningless for too many students. The collaborative process has been turned on its head.

Because CPS's system is fundamentally flawed and violates the IDEA, we are hopeful that through this public policy inquiry there will be factual findings that support a remediation plan for CPS so that its process is trance parent to parents and frontline staff. We ask that

ISBE create a plan for monitoring and oversight of CPS's existing and future plan, policies and procedures so that violations of children's special education rights do not occur and finally, we ask that through this process ISBE will put in place a plan for compensatory education for all the past violations. Thank you.

>> NANCY KRENT: Thank you very much.

Are you ready -- you have the --

>> NICKI BAZER: I believe in the limitless potential of our city's children. This is a quote from CPS's new CEO, Dr. Janice Jackson. After matriculating through CPS, Dr. Jackson served in CPS as a teacher, principal, network chief, the chief education officer, and now the chief executive officer. As a former CPS student, a current CPS parent, and having spent her career as a CPS educator, Dr. Jackson has an unwavering commitment to this district. As a life-long educator, Dr. Jackson is committed to providing all schools with a clear framework for excellence. This includes high quality supports for diverse learners.

This inquiry comes at a time when CPS has demonstrated its ability to drive unprecedented change for the benefit of students. The results speak for themselves. 77.5 percent of CPS students graduated high school last year, an all-time high; and 88.7 percent of freshmen are on track to graduate, which puts CPS on track to hit its 85 percent graduation rate goal in 2020. Dropout rates were cut by more than half in just six years, from 39.8 percent in 2011 to 18.6 percent in 2017.

Chicago's educational growth exceeds that of other large urban districts and almost matches that of nearby suburban districts that do not face the socioeconomic challenges that CPS faces. The leadership and initiatives that have lead to these remarkable results for CPS are being applied to improving outcomes for Special Education.

A study out of Stanford found Chicago students were improving faster than any other major system in the country; get 6 years of education in five years. As recently as March 13th, a New York Times columnist wrote, if you want to learn how to improve city schools, look how Washington, New Orleans and Chicago are doing it. This writer placed the extraordinary achievement of CPS on the shoulders of its talented principals. CPS wants to ensure that the same growth, the same achievement is realized by its special education students.

In this opening I'm going to be talking a little bit about the inquiry process itself, CPS's electronic IEP system, the use of data in driving decisions about how best to serve students, CPS's budget process, and transportation services for our diverse learners.

When the advocates first raised concerns about CPS's Special Education program, CPS proposed a working group to review changes that CPS had already made in the area of Special Education and collaborate on new and additional reforms. The idea of this working group was to include advocates to include ISBE, to include the stakeholders in this conversation and create a positive proactive approach. The purpose was to make sure that CPS had the best approach to Special Education in place and that the broader community could participate with an independent voice.

Instead this process has involved over the last 35 days the production of thousands of pages of documents which we are also reviewing and digesting, and these public hearings come rapidly on the heels of that document production.

We don't believe that this framework is the best way to arrive collaboratively at any needed adjustments. We understand that our system is not perfect; that is why we are here participating in this process. We will proceed in the hopes that constructive feedback can be garnered, collaboration will occur, and CPS will have the opportunity to share information regarding the collaborative reforms already underway in the Special Education department, including changes to the budget process, and the allocation of new staff, which I will discuss in a moment.

To the issues at hand, CPS's electronic IEP system, it is a tool, it allows IEP teams to document decisions regarding a student's program, it also includes safeguards to encourage IEP teams to comply with best practices and legal mandates. One historical safeguard is that district representatives were required to serve as CPS's local education agency representatives or LEA reps when certain determinations were being made. As opposed to building level team members serving as the LA rep, the LEA rep is a mandatory participant in an IEP meeting; according to federal regulation, the representative must be one qualified to provide or supervise specially designed instruction to meet the needs of children with disabilities, knowledgeable about the general education curriculum, and knowledgeable about the availability of district resources. The district representative should have the authority to commit resources and be able to ensure that the district can implement the IEP.

The IDEA leaves it up to a school district to designate the specific staff member to serve as the LEA rep, provided that the individual meet those three criteria. And that is what CPS has done. There are situations in which CPS has designated the LEA rep role to a building level administrator or person and there are times when that representative is given -- that position is given to the ODLSS representative, serving on an IEP team. Both models are legal. But mere legal compliance is not the standard that CPS applies assigning LEA responsibility. Rather the question is who has the expertise and knowledge of CPS resources so that she can best serve the student in the role of LEA rep?

CPS has continually reviewed the optimal assignment of the LEA rep and has recently made changes to that process.

Historically an ODLSS representative was required to serve as the LEA rep at meetings where a certain determinations were made regarding extended school year services, certain transportation decisions, and placement determinations. Building level administrators would serve as LEA reps when the IEP team was not considering those issues, or when the ODLSS representative was able to collaborate with the building administrator in advance of the meeting and delegate that authority.

In response to feedback, CPS is now authorizing a principal to act as the LEA, when the IEP team is making a decision on transportation and special circumstances, and create transportation when there's a different drop-off or pickup. When the team decides whether to provide extended school year services for regression recruitment even when the data is entered after May 10th. And also ESY services for special circumstances.

While CPS will continue to encourage ODLSS representative involvement, to serve and to help -- to add expertise to the process, it will be not required as it was in the past.



CPS's also changing requirements in the electronic system itself to give teams greater flexibility to make decisions. For example, IEP teams will be able to make extended school year determinations prior to November 15th and after May 10th. CPS will encourage IEP teams to take the time to gather data when a student returns from summer break, however the system will give flexibility when individual circumstances make a late or early determination feasible.

What has not changed is CPS's commitment to ensuring that the adults at the table are making the best decisions for students. CPS will continue with delegating LEA responsibility to ODLSS representatives when teams are called on to make decisions regarding moving a student from her serving school. This is an important safeguard for students and necessary for compliance with federal and state mandates.

All school districts are required to offer students an IEP in the least restrictive environment. This is consistent with federal law and numerous government circuit precedent enforcing that law.

The reality is that there are times when supporting a student in her home school presents considerable challenges for the building principal and for the teacher. The school personnel may not know about CPS resources outside of the building that could make the difference for keeping a student in her home school. It is incumbent on CPS to bring districtwide resources to the table for those decisions before the student is moved to a separate environment away from her general education peers.

CPS will continue to review who fulfills the role of LEA rep so it ensures that students are best supported by the adults at the table. CPS is also committed to ensuring that the electronic IEP tool is useful for IEP teams and helps drive decisions based on best practices. CPS is committed to continuing its current work with CTU and its principals to improve this system.

The advocates can criticize CPS's practices that require the collection of data for certain decisions, such as a decision to identify student as having a specific learning disability. The concerns about the collection and use of data are perplexing as the law requires data-driven decisions. Indeed ISBE's own regulations mandate that each school district, quote, implement the use of a process that determines how the child responds to scientific research-based interventions as part of the evaluation procedure.

Using data is not only required by law, but all important -- but it's incredibly important for supporting what is best for students, when a student struggles, there could be reasons other than a disability for that struggle. It does not help students to mislabel them as disabled. Data showing how students respond to research-based interventions ask a key tool that allows education experts to identify whether the student's needs are related to a disability, or whether the student needs different educational interventions.

CPS has already been responsive to CTU's concerns about burdensome data requirements. And will continue to work on this issue with its teachers and staff. CPS will not however compromise on making quality data-driven decisions on behalf of its students.

What also hasn't changed and will not change is that IEP teams make decisions regarding IEP services based on student need. Period. The IEP team is tasked with identifying a student's needs and developing an individual education program to meet those needs at a level that

provides a free, appropriate public education.

The school budget is not now nor has it ever been a factor when determining individual student services. Nevertheless, in response to feedback, CPS has changed its budgeting process to remove any perception that certain positions or services were ever optional. CPS has also provided more -- added 65 new positions to provide more support to building teams.

Finally, CPS continues to take seriously its responsibility to provide transportation to its diverse learners, CPS has already made and is making additional changes to its procedures that should alleviate concerns surrounding transportation. CPS understands the importance of this vital service in getting its diverse learners to and from school safely.

Building on the success and growth of these past few years, Dr. Jackson and her team in collaboration with teachers, staff, parents, community partners and CPS's phenomenal students are already working tirelessly to ensure that all students, including diverse learners, gain access to every opportunity for success. This is hard work. The reforms we will talk about today are not about quick fixes but about a vision of reform that leaves no student behind, now or in the future.

CPS students are on the rise. And CPS will not stop until it has helped every student to reach new heights. We will not let these students down.

Thank you.

>> NANCY KRENT: Thank you very much.

Thank you both. For your opening statements. We're going to move into witness testimony now. We would ask for Elizabeth Keenan to step forward.

(Sworn in).

>> NANCY KRENT: Dr. Keenan, as we begin if you could state your name and your title for everyone, and then we're going to give you a few minutes to make a brief opening statement, highlighting the information you think is especially relevant that you want to share with us. The team will ask you questions and advocate's attorneys will ask you questions and then CPS's attorneys will ask question, if you need a break or have questions about the process, let me know and we'll help you out with that. All right?

>> ELIZABETH KEENAN: Thank you.

My name is Elizabeth Keenan, and I am -- since September 2017 I have served as the chief officer of CPS office of diverse learner supports and services. For the past 22 years, I have served as Special Education teacher, a director of special education, in Minnesota, Wisconsin, and now Illinois.

My focus and goal since coming to CPS has been to ensure that our diverse learners receive the education and supports that they need to be successful. In CPS we have an amazing special education teachers, service providers and staff. We have dynamic principals and administrators, we have dedicated parents and incredible students, it is only by using the strength and resources of all these groups that we will advance the growth and success of our students, since assuming the role of chief officer, I have worked diligently with my team and the diverse body of stakeholders to address areas of need of improvement. We engage CTU principals, teachers and parents to collect feedback,

enhance current practices and make course corrections where needed. As a result we have taken into steps to address concerns of the following areas.

In the -- in regard to the electronic IEP, we have participated in a CTU special ed committee, focussing on review and alignment of the FSN system with teacher data collection to make recommendations from the user perspective on collapsing and consolidating data and specific student information.

In regards to data collection requirements in the IEP, in the SSM system we immediately reduced the data collection from ten days to five days in the prior year. First paraprofessional justification.

We are currently adjusting the extended school year services timeline at the beginning and end of the year. And going forward we are continuing to work with the CTU Special Education committee to enhance and align our SSM system and the updated procedural manual.

In regards to policies regarding for transportation, based on recommendations from the CTU Special Education committee we expanded the eligibility and transportation services which is now reflected in the district's procedural manual and SSM system.

In regards to budget, in January 2018 we provided schools with 65 additional Special Education supports to supplement existing resources. This was a direct response to feedback from principals regarding EL students, English learners, and special education and behavioral health needs.

Additionally, I met with principals focus groups to discuss opportunities to improve the school budgeting process. Along with my colleagues in the CPS budget and finance teams we took the feedback from principals and used it to adjust special education methodology for allocation for services. Based on principal feedback we will be providing the schools with positional locations for teacher positions and Special Education classroom assistance. This will provide school communities with greater transparency into the resources designated for Special Education, while providing principals greater clarity on the number of positions required to meet the needs of Special Education students.

In the appeals process we are responding to feedback and recommendations from principal groups. ODLSS will streamline the appeals process starting this next year by reviewing the needs of special education and not factor in to general education resources at the school level. Principals will submit the appeals directly to the team and provide schools with -- and we will provide schools with a decision within one to three days of the request. However, I recognize that we still need to provide additional streamlining to our electronic system. This is my next great effort.

As -- I want to make sure that we are making this meaningful and from the perspective of teachers, principals and parents. In working with the CTU Special Education committee, this can be our focus. Once we take this next step we will move closer to being partners in the educational system.

I hope that the remainder of the inquiry process that ISBE will continue to collaborate and be partners with us, with CPS, and continuing the reforms that diverse learners need. To be able to support the district's new leadership is fully committed, we are as fully committed to make the necessary improvements to support our

students, parents, and staff; and I hope that ISBE will be a strong partner in this effort.

We know that our system is not perfect. With our new leadership we have made significant changes in the past several months. And we will continue to improve our system to ensure we provide the proper students the supports to students and -- of every disability.

We will not move backwards. Our old systems did not support growth of our diverse learners, and it is -- we will continue to move forward to provide the best services for our students by continuing to work with the CTU, the ISBE collaborative -- collaborators. We will make this happen. CPS is committed to supporting all of the needs of our 51,000 special needs students.

And I'm happy to answer all your questions.

>> NANCY KRENT: Thank you very much.

Dr. Keenan, I want to start by talking to you about the changes you're proposing. I know that you addressed those in your -- in the most recent affidavit that you submitted to us. One of the areas you addressed in your affidavit -- in that affidavit had to do with the changing roles of district representatives at IEP meetings. And I know it was addressed in Miss Bazer's opening statement as well. I want to ask a few follow-up questions.

Can you give us a little more detail on what the changes as being proposed and why the change is going to be happening?

>> ELIZABETH KEENAN: Hearing from principals and teachers and parents, the concern was that there was a -- when we were putting in information into the system, that it was difficult -- it was difficult to be making sure that the district rep was a part of that process. In talking with the district representatives, they were always felt like they were engaging and talking to the school systems and if there was questions or concerns around certain things that they were participating and they could even support a decision from the team to go forward.

Some of the things that we have in place that we feel like we need to continue is were charter schools, and contract for transportation, also we were looking at making sure that we have special circumstances identified in that process. But what we looked at the overall pieces around particular, with the district representative verifies, not -- they don't make the decision but they verify that the information is in the system, that we are allowing for special transportation to be identified at the school level, that we are allowing for the pre-K decision for drop-off if it's an alternate -- at a different site, and for the district representative does not need to be a part of that discussion.

We were also looking at for ESY, for the dates -- ES -- the district rep was required to support the team after the May 15th and -- that has been released already. So schools can make that decision all the way up until the beginning of the school, of the ESY school year. And then also for ESY special circumstances, that they will be able to identify that within the system.

Of ESY. So that the district rep will not have to be a part of that verification process.

>> NANCY KRENT: All right.

>> ELIZABETH KEENAN: I would like to note, though, with the part -- part of these things with the district representative and -- being able

to support the schools in terms of aligning the transportation was that in terms of making sure students were bussed up and that they were receiving -- that there was notification to the transportation system to verify that, that was why we had the district rep as an awareness to be able to be a part of that, you know, information system so that when students weren't being transported in a timely manner, that the district rep could intervene.

>> NANCY KRENT: Okay. Thank you.

So if I'm understanding it, you are leaving the district representative as a necessary part in the areas of certain transportation decisions involving particular types of schools, and in decisions regarding placement separate day schools. Are those --

>> ELIZABETH KEENAN: Those are the two areas.

>> NANCY KRENT: All right. Let's focus on the separate day schools. I want to make sure I understand what we learned about the decision-making process.

Can you talk about the role that the district representative as the LEA representative plays in those decisions?

Because I think there's been some -- we're not entirely clear, I think, on CPS's position with regard to who has the final decision-making authority in those situations. So if you could clarify that, we'd appreciate that.

>> ELIZABETH KEENAN: Well, I think our general counsel Nicki Bazer talked about this in terms of, when we look at a separate day placement, it's important to make sure that this data to support that. And being in several school districts, that has been one of the issues where schools will develop an IEP but there's no way to really substantiate that the student is being provided or a -- necessary meeting the more restrictive setting.

When you look at separate day placement, that is most restrictive setting that any student can ever be in. The other thing is that the district rep has the knowledge base of what the separate day schools look like. Most schools that are referring students to these programs aren't -- have never been in them, they don't know what they look like, they don't understand that process. So they are there to provide that information to the teams, to be able to help support them in that.

In most cases, and pretty much most of the cases when there's a separate day decision, the district rep is there also to help support the team because there's, you know, probably significant behavioral issues or some modifications that need to be helped supported in the IEP process prior to the student going and the decision going in this direction to a separate day program.

So they are knowledgeable, they have backgrounds in different programs, and they provide that direct support to the schools. In that manner.

When we also look at them serving that role as the LEA rep, they are generally -- they're that communicator back to make sure that the -- if the student is going to a separate day program, the team decides that they're making sure that the district is, you know, agreeing to the funds to be able to go towards that separate day program. Which they are doing it as long as there's the data to support the student needing that program. So when we look at it, they're not determining any financial piece of it, they're just making sure that there's the commitment in that school level.

>> NANCY KRENT: My question had to do with the decision-making process. I want to focus on whether the statement that I believe we've heard from both you and Ms. Gibbons, that ultimately it is the district representative as the LEA -- serving as the LEA representative to makes the decision about whether or not the student will be sent to a separate day placement; and if the district representative disagrees with the other members of the school-based team, it's the decision of the district representative, not the rest of the team.

Am I understanding that?

>> ELIZABETH KEENAN: If the team does not have the data to support that the student is requiring to go to that significant level, then the district representative will say that, you know, they need more information to be able to make that determination. So in that case where there's not enough significant -- there peace not enough data to support the more restrictive setting, then the district representative will make -- will discuss that with the team and at that time in those cases where they don't have it, they will request that the team does go back and have that information.

>> NANCY KRENT: Request is a different thing than require.

So I guess I'm asking is it request, or require?

>> ELIZABETH KEENAN: In that case with the separate program they require that they have that information.

>> NANCY KRENT: Okay. All right. And you also noted in your affidavit that the requirement that the district representative be involved doesn't result in decisions being made outside IEP team meetings.

I believe you're aware -- because you commented on it in your affidavit -- that the advocates have produced documents and affidavits to suggest that there are certainly instances in which these denials or decisions have been made outside of the IEP team meeting. Your affidavit -- that you have information to the contrary. So I'd like you to both comment on the advocates' examples and share the anecdotes that you mention in your affidavit.

>> ELIZABETH KEENAN: In the cases where the district rep is participating in the meeting, when they go to the meeting, they're usually verifying the data. They release that after that -- after they verify the data, then they say, you know, the team moves forward.

In terms of when the data -- when we're talking about significant placements or if there's any issues, this team can -- the school team communicating with the district rep is important. And generally -- and when I've discussed this and asked the district representative, they have stated that whenever there's a case, whenever there's a school requesting that they be there, that they make that a priority. So when the schools are requesting that the district rep be there, and they're there at the meeting, the other thing in most cases when had -- because they're verified data, they can go into the system, they can look at it, particularly transportation, and they can just verify it. They don't have to be on-site. If there's questions or concerns around that data piece, then they'll say, I'm going to come to the meeting to discuss it further.

>> NANCY KRENT: I want to call your attention to a couple specific things in one of the documents submitted by the advocates, Page 366 of -- sorry, looking that up. Is an email from an attorney with CPS and I'm afraid I'm going to mispronounce her name. Miss Alegic, I

think her name is that was sent to an advocate informing her that the -- that ESY has been approved. So clearly that took place outside of a meeting, because it was -- she was notified in the form of an email from an attorney.

Can you -- again, since you say that these decisions take place at the meeting, I'm -- asking why it that would have been outside the meeting.

>> ELIZABETH KEENAN: I'm not -- I'm not involved with that case and I'm not aware of that.

>> NANCY KRENT: Okay. Have you had a chance to look at the information submitted by Kristy Brooks.

>> ELIZABETH KEENAN: Yes.

>> NANCY KRENT: I know in her affidavit she attaches an email from another representative, Miss McGuire, and Miss McGuire says she determined that the child doesn't qualify for a separate day placement. At advocates 35th -- did you -- can you explain or discuss that with us?

>> ELIZABETH KEENAN: I think in that particular case it was concern around the data or data pieces or among that substantiate that the student needs to go to separate day programming. And what more could the school do to be able to provide the intervention that the school offered.

>> NANCY KRENT: Ms. McGuire determined separate day placement was not yet appropriate because she didn't believe there was enough data.

>> ELIZABETH KEENAN: To substantiate the decision.

>> NANCY KRENT: Okay. All right. And am I correct that you're not proposing making changes to the decision-making authority of district representatives in these situations?

Separate day placement.

>> ELIZABETH KEENAN: At this time -- yeah, at this time we are still continuing to make sure that the district rep is involved with the separate day placements. And we say that because it is a significant placement. And to make sure that when we are looking at interventions being provided to student the, which is their right, that we're providing as much as we can exhaust at the school level before -- prior to sending them to a separate school, which is the most restrictive setting at this point.

>> NANCY KRENT: Prior to the 16-17 school year was a district level -- and I don't know what the title was at that time --

>> ELIZABETH KEENAN: I don't know.

>> NANCY KRENT: I know the changes -- titled have changed. Were you at CPS before the 16-17 school year?

>> ELIZABETH KEENAN: No, I was not.

>> NANCY KRENT: You don't know whether or not there was a district representative at all meetings where separate day placements were --

>> ELIZABETH KEENAN: I know they had various positions similar to the district representative role in the past.

>> NANCY KRENT: Okay. I want to move on now to ESY services. And again your affidavit states that there are no restrictions and that ESY should be addressed at every IEP meeting where it's appropriate. I know you're aware because you've been at the demonstrations that we were at, I'm sure you are he aware from your general role that at least up 'til the current time, outside of the November 15th to May 10th dates, the IEP in the SSM system at least prechily was auto-populating

with language that said the student is not currently eligible for ESY although the team may consider that decision at a later time.

Are you aware that that language can't be changed by the team, if that doesn't reflect their view?

We've heard that concern raised.

>> ELIZABETH KEENAN: Before -- just to clarify, before the November date.

>> NANCY KRENT: Yes.

>> ELIZABETH KEENAN: We -- when I came into the role as chief in September, that was one of the things that we -- I was looking at. Prior administration had determined that they had put the timelines in for ESY. My philosophy around ESY is that -- and being a teacher and being no other districts, that that determination should be happening at the -- at any school level -- I mean at any point during -- throughout the school year as long as the school has the data to support that decision. And so that's why we're saying that we're going to be releasing those dates so that they can go beyond the May 10th deadline and then November deadline.

>> NANCY KRENT: And when will that change go into effect?

>> ELIZABETH KEENAN: Well, the May one will be taken care of right away. So that at one will be taken care of right away. The November one will -- we will address that over the summer. Part of the process of moving forward with this, some of the things and what I've mentioned in my opening statement, around the SSM system is being able to have that CTU work group be able to go through spring breaks and screen and address each one of those -- get their perspective on that. So we'll be making sure that happens during this time.

>> NANCY KRENT: Will there -- I'm trying to clarify. Will there be auto-populating language that comes up in the IEP, or will there be no language there until the team acts?

>> ELIZABETH KEENAN: It will be a prompting to say like right now, it says the consideration for the -- for ESY at that IEP team, check that box. And then the team can put in the information that the student qualifies for it. And then can move forward.

>> NANCY KRENT: And I know that as we understand the system currently, if the weeks of data aren't entered --

>> ELIZABETH KEENAN: Right.

>> NANCY KRENT: -- properly, the auto-populating message still appear, I believe. What will happen to that?

>> ELIZABETH KEENAN: That will be released. So we aren't going to be requiring -- so that's kind of a similar format that we had with the paraprofessional justification form where they had this -- the schools were required to put in their data. I think in terms of the SSM system, they think it's an efficiency to be able to put that data in there because they're clicking the boxes.

But when you look at it, it does become somewhat cumbersome and like you mentioned, they can't -- once it -- you have to go fill out every -- on -- if the student doesn't recoup, you have to go all the way up to the 10th week. So releasing that, being able to allow them to provide an upload or they put a statement in there for -- that the student will get the data right into a text box.

>> NANCY KRENT: That leads me to another question that's been puzzling me with regard to recoupment. If you give a student -- if student qualifies for ESY, provided ESY services the point is he or she



doesn't fall so far behind that he or she can't recoup. But if the student had gone to ESY the previous year, previous summer, then wouldn't they -- you would expect that they would recoup within the time and would that make them ineligible the following year. Are you bouncing back and forth between you're eligible one year but then you recoup enough and you aren't eligible the next year?

Is my question making sense?

>> ELIZABETH KEENAN: Right. But I think in terms --

>> NANCY KRENT: How is that done?

>> ELIZABETH KEENAN: I've always felt ESY, even as a teacher -- and I've always approached ESY is -- how long does it take for the student to recoup after coming back, whatever that break is. The recommendation and the guidelines is 30 school -- 30 days. And that's in the ISBE guidelines, what's like the school -- if the ESY is for -- if they have a break between ESY and then the beginning of the school year, it's four weeks, how long does it take the student to recoup.

So always look at -- because we even allow -- I mean I've always looked at even during winter break or during spring break that there -- if the student takes longer period of time after that break to recoup for their goals are, then they would also qualify for that.

>> NANCY KRENT: Okay.

>> ELIZABETH KEENAN: You would have multiple data points to be able to say that the student recoups -- or regresses during that break time.

>> NANCY KRENT: All right. In the future will teams be able to provide more of a narrative -- I guess --

>> ELIZABETH KEENAN: Yeah.

>> NANCY KRENT: Is part of your change that student teams can use a narrative approach to ESY?

>> ELIZABETH KEENAN: Uh-huh.

>> NANCY KRENT: Rather than or in conjunction with data?

>> ELIZABETH KEENAN: We will in the work group look at the best way to be able to capture that data but just looking at it, typically it's usually putting in that data, the text box, or to put it in an upload there to be able to say this is my tally sheet, what I have been looking for, for each one of the goals and profile -- but I would also like to be able to have that discussion with the working group around how is the best means to be able to support that decision. And to be able to capture that data.

>> NANCY KRENT: Okay. Just so I understand what the current practice is, I know that -- is it -- is it the district representative, principal, or someone else -- does someone have to review that data that's being uploaded for ESY? Or --

>> ELIZABETH KEENAN: No.

>> NANCY KRENT: Confirm that there's data -- that's just mechanical -- the system tells you that the data is in or that is isn't.

>> ELIZABETH KEENAN: Uh-huh. Under special circumstances, the district representative -- and then also if you go beyond -- so at the school -- if a team is putting in -- currently if the team is putting in data points and like you mentioned, if you don't have the ten data points in there, and then that's when it won't -- the system will say that you have to make sure that your -- that the student -- the team needs to consider it or they have to look at that data.

>> NANCY KRENT: So there has to be ten data points in --

>> ELIZABETH KEENAN: Correct.

>> NANCY KRENT: To automatic -- the system tells them there's no person who's reviewing that data.

>> ELIZABETH KEENAN: No.

>> NANCY KRENT: All right. I did have a question then about one other area of ESY. Slide on this because it was confusing to me and I thought it would be helpful to see the screen shot. There it is. So this is a -- and I'm going -- if you want you can pull out the book. It is a CPS document No. 737.

>> ELIZABETH KEENAN: Which book?

>> NANCY KRENT: The CPS books are on top and they're labeled -- I'm sorry, this is a little difficult. I can ask the question and you can decide whether you need to see it. All right?

So it lists what the special circumstances are in a drop-down menu. The last one says, the student is at a critical stage of development and a break in services will result in window of opportunity for mastering and academic critical school of learning. So I understand there's another category of ESY just called critical skills. And so I was wondering whether this means that when the critical skill is an academic skill and not a skill of daily living, that it becomes a special circumstance case that requires the district rep, or whether it can somehow also be a regular critical skill which doesn't require a district representative. And I know that's confusing, but we were just having trouble figuring out which is which.

>> ELIZABETH KEENAN: From what I understood -- what I understand from the critical skills and how it's been described to me is it's both. If it's -- you know, the academic but it's also the latter that you were talking about in terms of -- that can apply to both of them. So the critical skills generally are for those students who are in our cluster programs, needing -- you know, progress and communication skills, and may be making progress in terms of their, you know, their mobility and that that can be able to be provided during the -- team.

>> NANCY KRENT: Can you explain why that is in the drop-down menu for special circumstances?

>> ELIZABETH KEENAN: I can't explain it. I was not part of that discussion.

>> NANCY KRENT: So we need to bring that up with someone else who knows more about the SS -- okay.

All right. One of the other things that you mentioned in your most recent affidavit having to do with ESY was that you noted that there had been concerns raised. I think it came up in the WBE report, I know advocates raised it is the issue of the number of drop in students who attended ESY last year. You mentioned in your affidavit that was something that was concerning to you as well. And you were in the process of investigating that.

Wanted to give you a chance to describe more fully what that investigation has been like, what you may have learned.

>> ELIZABETH KEENAN: When we looked at the ESY data, it looked like the majority of the students that were participating in it were more in the students of the cluster programs, the ones that were qualifies for critical skill, they also had academic goals that they were continuing to work on.

So I was not here when they made the decision around the timeline and the deadlines or the -- putting in the information. I don't know how

much of an impact that had on the system.

What I do know that prior -- that year prior when we looked at the ESY students who qualified for it, that there was the lack of documentation for half the students that qualified the year before.

So in looking at the team had decided that the student would go to -- that qualified for ESY. But when they would look at the upload or they would look at the information in the system, in the IEP system, there was no documentation verifying or putting it in the system that the student qualified.

So those were the two things that we were trying to look at in terms of if we looked at not having the ten data points and allowing the teams to decide, to have the discussion of ESY beginning of the year. We also looked in terms of number of students that qualify or at least started to have them entered into the system in November and that -- at that point we had 700 students this year in November, obviously last year was January is when -- and at that point in January there were 400 students.

So we -- somehow there -- I think the timelines might have affected it. The data collection pieces are making sure that the 10-day requirements reflected it also. So we think these two pieces of releasing the dates and allowing them to have discrimination and be able to upload information, that can do that. That will allow for the teams to be able to make that decision. The decision as time maker.

>> NANCY KRENT: Another -- I want to talk about another area you mentioned which had to do with staffing and changes to the budget and budget appeals process. Which I know you've mentioned.

We've looked through in some detail the budget appeals that you were -- that you all submitted to us, both for 16-17, and for 17-18. It appears to us that a large number of those dealt with the issue of paraprofessionals, especially paraprofessionals supporting children with special needs. Certainly in the narratives we reviewed for those there were multiple situations and significant numbers of them in which the principals who were making those appeals reported that either that student or multiple students within their building were lacking supports that were required by their IEP.

So I understand that the budget process had to do with at some point someone would decide whether or not you got the extra position. But I wondering whether there was any other response given to the principal, what did -- what was ODLSS' involvement in working with the principals, both during the appeal and for those where the appeal was denied, can you describe that for us?

>> ELIZABETH KEENAN: Are you talking in terms of the appeals process for 16-17 what that occurred, or 17-18?

>> NANCY KRENT: Either process -- either year. If it changed, you can answer both questions, but we're trying to find out: If I'm a principal and I say we're 500 minutes a week short in my building, and I'm submitting paperwork to someone to get it resolved, how quickly did ODLSS get involved with that school to address the missing minutes?

And was there a way -- did you address it in some way either in addition to or prior to the decision on the budget appeal itself?

>> ELIZABETH KEENAN: I was not a part of the process in 16-17 school year. And this past year, the 17-18, when an appeal came through, our -- Archia Lucas who was in the department --

>> NANCY KRENT: What's her title?

>> ELIZABETH KEENAN: I can't remember. But she'll be testifying later on, tomorrow. And -- or next week.

>> MATT COHEN: Dr. Keenan, could you try to speak more into the mic? I'm having trouble.

>> NANCY KRENT: I'm sorry. I asked she turn slightly when she was looking at the screen. I apologize.

>> ELIZABETH KEENAN: In terms of we received the appeals and what we'll do is she'll look at the current students' schedules, the minutes and the current students, and then look at the request for -- from them -- the principal.

If there is a further concern or like need of a review, then she will ask if the district representative is aware of it. And generally a lot of times they were a part of -- or knowledgeable of the request. And then what would happen would be as she looks at it, she will get their input on those pieces of it. Sometimes she'll even talk to the principal to get some further information.

In some cases principals, you know, when we looked at it in terms of paraprofessional, you know, if it was that they're requesting an additional paraprofessional to support a new student with 500 minutes, you know, absolutely, you know, the team would decide to go in that direction.

Some certain cases the principal did open enough of their paraprofessionals in their budget allocations, and so therefore we can say open up this position so you can get that moving right away.

>> NANCY KRENT: Just wait. Let me back you up a little bit on that.

So because -- I'm still not -- I understand what the process -- I think I have an understanding sort of how the budget appeals process itself worked. My question is slightly different question.

The appeals documents report that there are -- that in many cases there were currently students in those buildings missing minutes. And we'll ask Mr. Volan more when he testifies about this. I want to make sure I understand from the ODLSS review. So if you weren't on the committee in 16-17, was somebody calling to your attention or to the attention of your department that principals were reporting these large numbers of missing minutes for students' IEPs?

And if so, what was done about it?

If not, why was it not reported to you?

>> ELIZABETH KEENAN: I was not apart of the appeals process last year. And when I would hear from principals, I would advocate for those pieces of it. And I know that the team, they would review it and then, you know, we would consider those pieces. The final decisions and how they were made, I'd -- I cannot speak to last year.

>> NANCY KRENT: Okay.

>> ELIZABETH KEENAN: That was not with my authority.

>> NANCY KRENT: Okay. Can you state what -- one of the questions we've asked -- I don't know that we've gotten this information yet -- is it do you know whether CPS had enough paraprofessionals employed throughout the 16-17 school year to meet all the minutes on all the students' IEPs required paraprofessional support?

>> ELIZABETH KEENAN: We've had vacancies over the last several years; we had less vacancies this year than years prior.

>> NANCY KRENT: If there are vacancies, that means that there are services that aren't being provided.

>> ELIZABETH KEENAN: I think that's in any case, in any district.

If they have a vacancy, then we try to do our best to be able to provide those minutes. But when we don't have the paraprofessionals or the teacher staff, then we have to accommodate, you know, be able to try to figure out how to get a sub in there or something to satisfy the minutes, to support the minutes.

>> NANCY KRENT: Okay. And -- all right. I'll follow up with more questions later. I want to show you a document that you did provide, because I don't think I -- I don't know if you can see it there. It's behind you. This is a chart called number of electronic IEPs with paraprofessional support. And I want to make sure I understand what the columns mean.

>> OLGA PRIBYL: Do you have a number?

>> NANCY KRENT: Yes, that is CPS 1413. All right. So I -- to tell that the first column on the left is the school year. The middle column says paraprofessional support in IEP.

Am I correct that that's simply a count of the number of IEPs throughout the district where paraprofessional support appears in any situation?

>> ELIZABETH KEENAN: Yeah.

>> NANCY KRENT: Okay. So it was about 13,000 in the 15-16 year, it was 11,000 last year, and as of February -- that's not a complete year, it's about 10,100. Is that right?

>> ELIZABETH KEENAN: Correct.

>> NANCY KRENT: Okay. Now, the last column which says total paraprofessional minutes in the IEP, so that takes each of those IEPs that are identified in column 2, and it figures for each of those IEPs all the minutes that that child needs; is that right?

>> ELIZABETH KEENAN: Correct.

>> NANCY KRENT: Okay. I wanted to make sure I understood that. That's how you get to a number as large as 14 million, which is a pretty substantial number.

But my question for you is this: As I look at from 2015-16, to 17-18, am I reading the chart correctly that you had a 15 percent drop in paraprofessionals throughout your district?

>> ELIZABETH KEENAN: When you look at the data set they're not apples to apples, so you look at 15-16, 16-17, I can talk to the 17-18 in terms of those past two years. When you -- we actually have more paraprofessionals in our positions or allocated than we had in 15-16 currently. So we have 3794, where we had in 15-16, 3755. Where the drop is, is because when we looked at the budgeting system, with -- in particular the cluster programs, in 16-17, when they instituted the paraprofessional justification form, they were requiring the paraprofessional justification for all students in cluster programs. Which was a massive undertaking required for the cluster teachers. They provided in accord dance to the ISBE standards, 13 students, for -- and one teacher, and one paraprofessional in the 16-17 school year.

This past school year in 17-18, we adjusted the cluster program because we heard from the CTU members saying this was not, you know, productive. We changed this last year in October of 2017. I think it went into effect in December of 2017 -- or '16. I'm sorry. I'm sorry. '16, the following year.

In term it is of what we looked at was we provided cluster programming paraprofessionals. Meaning if you're in a mild-moderate

program, we gave the school or we provided two program paraprofessionals that are consistent paras that would always be assigned to that classroom, to support the students in the cluster program. In the severe-profound students, we had 13 students, one teacher and three paraprofessionals assigned.

So in the minutes when you look at it, if your student in a cluster program, you -- the teacher would determine does the student supports within the programming paras meet that -- the need of that student. And then the principal -- the teacher would click yes.

If the student requires additional supports over and above the two program paras or the three program paras, then they would put the justification in there and the data to support that there's additional needs over and above that.

>> NANCY KRENT: So just so I'm clear, you're saying that part of the difference between 16-17 and 17-18 is that in 16-17 if a -- a cluster teacher would put in paraprofessional support individually on to each IEP even if it was being supported by the classroom paraprofessional, whereas in 17-18 they didn't need to do that. So that would explain the drop from 16-17 to 17-18. Correct?

>> ELIZABETH KEENAN: I did say it went into effect in December of 2016. So that's when they changed it in SSM and didn't require them. So that's where -- you might have seen some of the minutes being captured in the first part of the year, but in the last part of the year is when they -- they were able to click on it saying if I have the two paras and they meet the needs, we're okay. So it wouldn't capture those minutes.

So that's why you can see that it went from 13 to 11, because they were capturing minutes at the beginning -- you know for part of the year and then it went down slightly in the 10,000. And then you can see from 14 to 7. And you can see most of our students and the bulk of our IEP minutes are typically with our cluster students. But we feel that it hurt from the CTU, when there was initial roll-out of the paraprofessional justification form that having that in a requiring to cluster program teacher to have to go through that paraprofessional justification was -- was burdensome. But then they would collect it if there was additional needs for those students.

>> NANCY KRENT: And have you done -- I understand that that's a -- that -- that's a -- that's an explanation for what happened.

Have you done -- has -- have you or someone in ODLSS done any data review to make sure that that's really -- that that is in fact what accounts for those --

>> ELIZABETH KEENAN: Yeah, we looked at the -- the biggest drops in the minutes were in the group, in the cluster students were able to be identified in the cluster programs. But we did see that it was more dedicated or higher among the dedicated. Which is what we want to be able to make sure that we're ensuring that students in those departments are...

>> NANCY KRENT: Okay. All right. I think I'll save my questions on how Special Education positions are going to be accounted for next year for Mr. Volan's answer. I think probably it would be preferable to both of you if I asked him instead of you, because I've been keeping you up here a long time.

I do have a question -- I do want to ask question about -- some other vacancies that data was also submitted on. And given what you said I

understand better now how to read these documents, but I want to make sure. These have to do with the related service providers.

I may not have put it up. It's all right. Do without it.

We had -- there was a document given to us at CPS document No. -- I think the numbers are 1418 and 1419. Attached to I think one of your responses. There were vacancies listed for various related service provider positions.

>> ELIZABETH KEENAN: Uh-huh.

>> NANCY KRENT: Just so I'm clear, if it's listed as a -- you vacant position or an open position I think is the term you all made it, does that mean it's open and you're trying to fill it?

Because we've heard some discussion that there are what are nominally open positions, but no one is actively recruiting or looking for those people. I know that you submitted an affidavit that contains some information about your recruitment efforts. But I wanted to make sure I understood that the difference between the numbers of what are referred to as total positions and total filled positions, that you are in fact -- that CPS is in fact attempting to fill those positions. Is that correct?

>> ELIZABETH KEENAN: Absolutely. We're committed to making sure that we're continuing to scale up our RSP efforts. In particular we just -- in this budget review year -- in the last two years we have not changed the allocation or the overall number budgeted. But what we are looking at is making sure we're -- making sure that we get to those levels that we want.

For instance, for school psychologists our goal is to get up to 230. School psychologists this year. We know that two years ago we were at 185. And then this past year we were at 214. We also know that within the 214 it was nice that we were at that fully staffed level of 214, but we weren't up to the 230. So our goal and efforts is to increase those -- those alone -- those hiring -- right now we have interviewed over 18 school psychologists to be able to offer -- look at hiring quality staff and being able to hire them and provide them with a contract soon.

So that would get us up closer to that 230 school psychologists.

The other thing is that we're taking into consideration in these numbers is that for instance last year this past year we went up to 214, we were -- it was -- it was clear that we have to also factor in leaves of absences. So we know that right now currently this -- school psychologists on a leave of absences, 15. We make sure that we -- we felt that service was being provided at the 214, but when you go down those 10, then you have to kind of accommodate for that.

We are continuing to hire. We just hired an additional school psychologist. If they can come on board early in the spring of the year. We did that just this past week. We're continuing to do that for the CSNs, HSNs, nurses, OTs, and various recruitments and trying to get offers.

>> NANCY KRENT: If anyone is listening on the live stream, openings in that area. Please mail in a resumé.

>> ELIZABETH KEENAN: Yes.

>> NANCY KRENT: I did have some questions. So given that you are -- you have vacant positions right now, does that mean that there are students who aren't receiving the related service provider supports that their IEPs call for?

>> ELIZABETH KEENAN: Because we -- when we look at the -- our allocations we take into consideration the evaluations, we take into consideration the direct minutes, we take into consideration travel time, those type of things. What our team does is every day they pretty much will look at to make sure that they -- the direct service minutes are provided first. And that when we know that there's -- you know, for instance there's a need at a particular school, that they will reassign staff to go over there.

We want to -- we want to and we recognize that it's not the best case for our teams to have to keep moving around and we want to eliminate that as much as possible. However, we know that the priorities are first for our student and the IEPs.

>> NANCY KRENT: Right. I understand that's the priority.

>> ELIZABETH KEENAN: And we do we assign staff.

>> NANCY KRENT: But my question is are thereby students missing minutes?

>> ELIZABETH KEENAN: When we look at the -- there's not a break in services, we look at reassigning staff, we look at making sure that we are providing it and ensuring that we can get the staff over to those particular schools.

>> NANCY KRENT: We've been given documents -- these were provided as part of one of the advocate submissions, advocates pages 3359 to 3364, I believe.

Their caption at the top is something called HSMP compliance report. I don't know what HSMP --

>> ELIZABETH KEENAN: Health service nurse.

>> NANCY KRENT: Thank you. Okay. And it lists the -- I wanted to -- CPS percentage of IEP required services districtwide and it's broken down by month. And it's broken down by the range of related service provider. And it has a category on there...everybody okay?

It has category on there that says explanation, no service minutes, explanation no service percent.

Am I correct in understanding that that's the percent of time in a month that students did not receive services on the IEP?

>> ELIZABETH KEENAN: I don't have that document.

>> NANCY KRENT: All right. I'm going to pass over my copy of it. And I'm going to look at it -- I can look at it on someone's screen?

>> NICKI BAZER: Can you tell us what the number is again?

>> NANCY KRENT: Dr. Keenan, can you read it.

>> ELIZABETH KEENAN: Advocates, 003359.

>> NANCY KRENT: Thank you.

>> ELIZABETH KEENAN: Is that it?

>> NANCY KRENT: Thank you. If you could just -- I didn't put it up because there were so many columns with numbers I didn't think it would be legible. Can you explain --

>> NICKI BAZER: Could you give her a minute to --

>> NANCY KRENT: Sure.

>> NICKI BAZER: Thank you.

>> ELIZABETH KEENAN: You can go ahead with your question. You can go ahead --

>> MATT COHEN: Can't hear you again.

>> NANCY KRENT: She just said I can go ahead with the question. I'm trying to understand the explanation no service minutes and no service percentage -- we've seen that several times, and I know that we were



struggling to sort of understand how that -- what that means and what it represents.

>> ELIZABETH KEENAN: I don't feel that I would give it the actual terminology for it. So I feel like that -- I'm not familiar with this document, so I can't specify what those actually mean.

>> NANCY KRENT: Okay. Do you know who would be familiar with the document?

>> ELIZABETH KEENAN: We could --

>> NANCY KRENT: Who would we ask?

>> ELIZABETH KEENAN: We could have our director of related service providers look at this and we can verify where it is.

>> NANCY KRENT: So I -- so let me ask you a broader question.

Does CPS track when students don't get minutes on their IEP?

In other words, if a service provider doesn't -- if the speech pathologist for example -- does the speech pathologist log somewhere whether they have or haven't met with a student on the days they're supposed to meet with the student?

>> ELIZABETH KEENAN: I don't know in particular in that case if they log or not. I'm not familiar.

>> NANCY KRENT: So far as you know is there a way for CPS to track whether or not the kids are getting the related service --

>> ELIZABETH KEENAN: I haven't -- I'd have to verify that.

>> MATT COHEN: Dr. Keenan, the problem is when you're looking at her, the mic is --

>> NANCY KRENT: If you could move the mic --

>> MATT COHEN: It keeps happening.

>> ELIZABETH KEENAN: Sorry.

>> NANCY KRENT: There we go. All right. So -- I just want to -- I think --

>> ELIZABETH KEENAN: I have to verify that. I mean I feel much more comfortable to be able to make sure that it's accurate. So we can verify that.

>> NANCY KRENT: Okay. And I understand you want to verify the numbers, but I guess I'm asking a broader concept question also and it may be you don't have the answer for this piece. But I want to make sure I've understood correctly.

Are you saying you don't know whether or not CPS tracks whether or not the students get all their service minutes, or whether there's a -- some way of tracking whether they're missing minutes?

>> ELIZABETH KEENAN: I cannot speak to that.

>> NANCY KRENT: Okay. All right. Want to turn to a different topic now.

We understand from your affidavit that you were kind enough to provide us with some information about the consulting documents that we'd asked for. That you had very limited involvement with that task force, which I know was headed by Denise Little. There was apparently a meeting that you did attend in August of 2016, I believe the page No. is CPS 2070. But I'm not sure I wrote that down.

But I can tell you there are notes from a meeting that you attended with the consultant group. And according to those notes, you were tasked with doing two things. Were you supposed to prepare something called a rules of engagement letter for principals, and you were supposed to develop a list of students with -- what were referred to as priority IEPs. And --

>> ELIZABETH KEENAN: Cannot recall that.

>> NANCY KRENT: Hoping you can help us understand that.

>> ELIZABETH KEENAN: I came in July of 2016. So I might have attended that meeting, I -- and there -- I don't remember -- I never produced a rules of engagement letter or priority IEP -- so --

>> NANCY KRENT: Do you have any understanding of -- when you attended that meeting, what was meant by priority IEPs or what sort of IEPs you were being asked to look at?

>> ELIZABETH KEENAN: I was brand-new into the system, and so I'm not aware of what that was.

>> NANCY KRENT: Okay. All right. So you don't recall -- you don't -- sorry, 27 you -- that you and someone identified as Sara moon and district representatives are developing two letters, you don't remember rules of engagement letter, you don't know what that was about?

>> ELIZABETH KEENAN: I do not. I did not produce one.

>> NANCY KRENT: A list of students with priority IEPs, do you have any idea what kinds -- do you remember what priorities people were interested in when they spoke to you --

>> ELIZABETH KEENAN: I do not.

>> NANCY KRENT: Okay. Do you know what the concerns were that had led to the need to develop that --

>> ELIZABETH KEENAN: I do not.

>> NANCY KRENT: Okay. All right. We'll move on to a different topic. I just have some questions now about -- these are really more technical questions about the SSM system. I'm not sure if you or Miss Gibbons would be better --

>> ELIZABETH KEENAN: I'll let you know.

>> NANCY KRENT: -- it would be you or Miss Gibbons.

I understood from when we did the demonstration, at the very basic level now, there was this wonderful navigation tool in the top left hand corner that you could click on it, it would take you directly to a document.

>> ELIZABETH KEENAN: Uh-huh.

>> NANCY KRENT: I know one of them was the IEP documents, paraprofessional justification document was there, the notes page was there, is that correct.

>> ELIZABETH KEENAN: I think so. I think, I can't remember.

>> NANCY KRENT: Okay. Is the notes page a part of the IEP, or is it a separate document that's developed in conjunction with the IEP?

>> ELIZABETH KEENAN: I can't speak to that. I've seen it but I'm not quite sure what it means.

>> NANCY KRENT: I have some questions on that. So we will save those for some other witness who can answer those better.

>> ELIZABETH KEENAN: Uh-huh.

>> NANCY KRENT: If I asked questions about the dynamic learning maps, and how it functions on the SSM, is that also something I should save for someone else?

>> ELIZABETH KEENAN: I've seen it but I don't know how it operates.

>> NANCY KRENT: All right. No worry, we'll move on to something else. I do want to ask you some questions about -- I apologize if we're going back but I want to ask you some questions about separate day placement and the data that's collected by a team. Considering separate day placement. And I understand that there's different data

collected for behavior than for academic and functional needs. Is that correct?

>> ELIZABETH KEENAN: Yeah, I -- I think that there's two different areas that they look at.

>> NANCY KRENT: All right. For -- for a child who is being considered for separate day placement for behavioral reasons, can you -- can you help us understand what data is needed and which -- what -- what observations are needed, who needs to do -- that whole process?

>> ELIZABETH KEENAN: Typically a student who's, you know -- going -- the team is feeling like they need to refer a student to a separate day program, the data should demonstrate that the student is not able to self regulate, that there's not able to, you know, control their behaviors, that the team has provided interventions in terms of deescalation, to be able to be able to kind of show how far is the student -- how long is their episodes and how frequent are they.

>> NANCY KRENT: I understand sort of the types of things you'd be concerned about. I'm asking a more pragmatic question, I think. What -- what specific sorts of data needs to be developed?

For example, MTSS data, and if so how much, and for how long.

Does there need to have been a behavior intervention plan? If so, for how long? Does it have to have been revised?

Those sorts of things. I just want to know sort of the pragmatic -- what pieces of paper does someone need to have in front of them?

>> ELIZABETH KEENAN: It doesn't recommend a long period or like the -- like there's a certain time frame recommended. In terms of when you look at a student going to separate day placement, you look at how frequent are the episodes, how are the interventions being supported, are they impacting the student, and if they're not, are they continuing -- are the episodes continuing to escalate?

It could be several weeks, several months, it could be three or four months.

>> NANCY KRENT: The manual which I believe is currently in effect, CPS -- I'm on Page 671 which discusses placement in a separate day placement seems to be you have to have a separate prevention plan in place for five weeks and needs to be reviewed and implemented for another minimum of five weeks.

>> ELIZABETH KEENAN: I think those are best practice recommendations, so I think that when we put those in in terms of that, it's like we're looking at -- those are some guidelines around it. You know, there are special circumstances where kids can go beyond those five weeks, or they can go below those five weeks.

>> NANCY KRENT: All right. And can you direct me to how people were instructed that that was just a best practice and not a requirement? Because it says that all of the following documents must be -- all of the guidelines must be discussed and documented. That's the heading on this page.

So one of the concerns we've heard from parents, advocates and staff members is that these requirements are burdensome and rigid. And so I understand that you're now referring to them as best practice. The document doesn't seem to say that. We've looked at the training materials you provided. It -- those don't seem to say it.

So I'm wondering how is that communicated that this isn't required?

>> ELIZABETH KEENAN: I -- well, in terms of when we look at a system

this large, we have to make sure that we do have some consistencies in place. The procedural manual is a guidance document around that. In terms of that, we -- I know that we have students that go to a separate day program that are over and beyond the five weeks of -- on the behavior and functional behavior assessment and the BIP. And then some students who are less than the five weeks. So where we look at -- oftentimes a practice for many school districts is these are the -- here's the guidelines, here's the five weeks that we recommend. Five weeks you an enough time to provide interventions. And then that's a pretty good research-based methodology. But if you go below that or above that, you know, the team -- the team has to make that decision to be able to move forward.

>> NANCY KRENT: And am I -- and is there also requirement for observations of the child by the district representative and the principal?

>> ELIZABETH KEENAN: Generally the -- not the principal. No. I don't -- there's no -- does it state it in there?

>> NANCY KRENT: No, I'm trying to find out what the process is.

>> ELIZABETH KEENAN: Yeah, they don't -- and oftentimes the district rep, since they are involved in this and they're usually helping or assisting with the BIF, whether functioning or perception, they don't always do an observation but it's always -- we recommend that they do, so that they can actually see when the students we recommended, when we're looking at a separate day placement what would be the appropriate placement for them.

>> NANCY KRENT: And how many observations are they required --

>> ELIZABETH KEENAN: It's not required. It's just we ask them to put their eyes and see what's going on, to be able to help team and to be able to -- to be able to make sure that there's an appropriate decision. So when the student goes to a program -- the programs are -- they're -- they vary greatly. We want to make sure that we're providing the needs and being able to recommend a -- whichever separate day program that the students would go to.

>> NANCY KRENT: Okay. In the principal training PowerPoint that you gave us, which is CPS 1362, there's a reference to an ODLSS verification of the documentation needed for consideration of separate day placement. What does that mean?

>> ELIZABETH KEENAN: Which training is that?

>> NANCY KRENT: It was identified to us as a principal training PowerPoint.

>> ELIZABETH KEENAN: Do you know the date on it?

>> NANCY KRENT: I don't know offhand. I believe a number of the PowerPoints came to us undated.

>> ELIZABETH KEENAN: I can't speak to...

>> NANCY KRENT: So at some point was there a --

>> OLGA PRIBYL: Right there if she wants to refer to. The pages --

>> NANCY KRENT: Yeah. The page is right there. You can pull that out. Again, it's undated, but it -- we'll get to it.

>> OLGA PRIBYL: CPS on top --

>> JENNIFER SMITH: If you want her to testify about a particular time we ask that you give her time to pull it.

>> NANCY KRENT: Sure. That's fine. I just was trying to figure out -- we think it's -- we think it may be from 1330 to 1362 if you want to look at those. Or it's possible that 1330 is just the

beginning of a section.

>> OLGA PRIBYL: If you pull -- out, it tells you the page number.

>> MATT COHEN: Some -- recording going or something?

>> There's someone with a walkie-talkie.

>> NANCY KRENT: There may be a security issue that someone's dealing with in the next room. We're going to let them do that. All right.

Do you have any idea when that document was from?

>> ELIZABETH KEENAN: I do not. I'm guessing that when I came in, in 2000 -- in CPS in July, I know they were doing a -- the first -- they call them guidelines at that time. So in looking at this document, since there's no date, but it looks like it might have been during that July 2016. And there's been several reiterations since that point.

>> NANCY KRENT: All right. So...okay. So can you -- can you shed light then even for 16-17 what the ODLSS verification was for the 16-17 school year?

>> ELIZABETH KEENAN: I mean from the principal perspective, no, we do not require them to verify that.

>> NANCY KRENT: What about --

>> ELIZABETH KEENAN: We don't require the district rep to verify, we want to make sure they're involved and generally they are involved in supporting the school. I don't know that this -- this particular language is not in our procedural manual and this particular language is not in our updated guidelines in terms of the separate day programming.

>> NANCY KRENT: All right. So does the district representative need to verify that there's documentation?

>> ELIZABETH KEENAN: The district representative is, you know, making sure that their students -- that the team is making the decision based on the I -- on the data to be able to support the student in moving into a more restrictive setting. So I think we've talked about that piece of it pretty clearly that they can look at it and see -- is there enough, is there more supports that we could provide at the school level for this particular student?

Because separate day, as I've said before, is your most restrictive setting. And we want to make sure that when we look at -- removing a student from a public school system into a separate day program when they're -- their total removal is taken seriously.

>> NANCY KRENT: Okay. All right. So more broadly on the issue of the district representative involvement and what they review, I understand that -- that the changes were made to the SSM system in 2016. In part to systematize that district representatives were involved. That -- when the SSM system began to require in certain areas that the district representative check certain boxes. Am I correct that -- that that wasn't a part of the SSM system prior to 2016?

>> ELIZABETH KEENAN: I can't speak to that. I wasn't here.

>> NANCY KRENT: Okay. We'll ask someone who was here longer about that.

All right. So I'll hold those questions for someone else.

The procedural manual, you refer to it multiple times. The most recent was created -- was finalizing February '18. Last month, that's correct?

>> ELIZABETH KEENAN: Yep, February 2018.

>> NANCY KRENT: Is that the document that staff and parents use to

understand how the process works?

>> ELIZABETH KEENAN: That's our most recent document; yes.

>> NANCY KRENT: Prior to that, the previous version was not made available to the -- it was not made available externally, that's correct?

>> ELIZABETH KEENAN: The 2017 July 1 was, prior to that, it was not.

>> NANCY KRENT: Where was that made available.

>> ELIZABETH KEENAN: That was on the website and on the knowledge center too, on...

>> NANCY KRENT: For the 16-17 school year when all the changes came in, or significant numbers of changes came in, in 16-17, that procedural manual was not made available to parents. That's correct?

>> ELIZABETH KEENAN: I wasn't -- the 16-17 one, when I came in here there was no external-facing procedural manual.

>> NANCY KRENT: Okay. So in the 16-17 school year, when you were here --

>> ELIZABETH KEENAN: As the deputy.

>> NANCY KRENT: When you were here as the deputy, was there a way in which parents could review a document that explained to them how these processes had changed and how they were currently working?

>> ELIZABETH KEENAN: No, and I was concerned about that.

>> NANCY KRENT: Okay --

>> MATT COHEN: I couldn't hear the answer.

>> ELIZABETH KEENAN: I was concerned about that.

>> NANCY KRENT: What did you do about that?

>> ELIZABETH KEENAN: I made my efforts to make sure that recommendations to be able to put it in there. As you can see, since we updated in 2017, we put it on an outward facing.

>> NANCY KRENT: Okay. One more question about the SSM system again. I understand you may or may not be the person to ask about this, but let me ask you this one last question.

Is the SSM -- does the SSM system track whether IEPs are completed by the annual review day?

>> ELIZABETH KEENAN: I'm pretty sure it does.

>> NANCY KRENT: Okay. Do you know about how well you all are doing on compliance with the annual review date?

>> ELIZABETH KEENAN: We are -- we submit our data to ISBE on our compliance through our indicators. I cannot speak to that right now. Nor I (inaudible).

>> NANCY KRENT: Thank you. I've completed my questions. I'm going to turn it over to my colleagues, I know they each have questions for you as well.

>> ELIZABETH KEENAN: Thank you.

>> NANCY KRENT: Do you want to take a -- I know you've gone a long time. Why don't we take five minute, let people stretch their legs, let the witness catch her breath for a while. It is a long time. We are review resume, it is now 10:46. I would like to start no later than ten minutes from now. Let's try for five, we'll see by ten.

(Recess).

>> NANCY KRENT: Our five-minute break has now gone six minute, so if people could start to return to their seats, that would be helpful.

We're going to continue. Ms. Rupa Ramadurai has a question.

>> RUPA RAMADURAI: I wanted to ask you some specific questions, some around SLD. It appears for SLD determines that MTSS data is required.

It's currently in two five minutes blocks. Can you explain why CPS chose two five week blocks for data collection.

>> ELIZABETH KEENAN: I want here when they decided on those two five week blocks, but I do know in terms of MTSS, the recommendations can go anywhere from five weeks to eight weeks if you look at various items from OSEP and IDEA, that's what they recommend.

>> RUPA RAMADURAI: Do you know why that's the recommendation, five to eight weeks?

>> ELIZABETH KEENAN: I want here what they made that -- on the OSEP, or with MTSS? It's -- to be able to see that there's progression being made or if there's not progress being made. And when you look statistically, academics and any progress and particular from me in my background being a Special Education teacher in SLD, it was important to be able to give a student enough time with the intervention to see if it's -- you know, if it was taking root. Because sometimes you will see students actually go down during the intervention for the first week or two and then they might go back up. So it's making sure that you've got enough data points to be able to determine if you're progressing or not.

>> RUPA RAMADURAI: Is there any other type of data collection that can be used outside of MTSS by an IEP team?

>> ELIZABETH KEENAN: Right now that's -- the recommendations that they're -- under the SLD. One of the things that we are looking at in terms of the -- looking at the SSM system, is to be able to allow for the teams to be able to have the -- so like five weeks is a best practice to be able to use it. But if you have data that shows that they haven't progressed and it's been four weeks or it's not to that point of 5, I kind of -- I've always kind of practiced under what's allow the teams to be able to kind of use -- show data but let's not be a hard line on it if it's five weeks or eight weeks. But it's a recommendation.

>> RUPA RAMADURAI: So when you're saying data you're specifically revving to MTSS data not any particular type of data.

>> ELIZABETH KEENAN: MTSS -- reading, science, written language interventions.

>> RUPA RAMADURAI: Can you elaborate for me what happens if the IEP team does not complete those two full five-week periods?

>> ELIZABETH KEENAN: Currently they cannot go forward to be able to make that determination. And that's why we're -- my recommendation is in going forward with this is to allow for teams to be able to put in special circumstances, for to be able to put in the text box to verify what led to the team to decide that it was three weeks versus five weeks.

>> RUPA RAMADURAI: Okay. So in the guidance documents that CPS provided and I can provide you with a page number, but specifically I understand that MTS data is not required before an evaluation request is granted for SLD, and that CPS has stated that the lack of MTSS data cannot delay an evaluation if it is warranted much that's stated in the procedural manual, correct?

>> ELIZABETH KEENAN: Correct.

>> RUPA RAMADURAI: Then my question is if the IEP team conducts the evaluation but doesn't gather the requisite two full weeks of MTS S data within that 60 daytime frame, can the student still be found eligible for under the SLD category in.

>> ELIZABETH KEENAN: Currently they are -- the team would have to -- we'd have to work with that piece of it. Right now the system doesn't allow it. So the procedural manual is updated but the SSM system is not in conjunction with it.

>> RUPA RAMADURAI: Okay. That was going to be my next question.

Can you explain a little bit about the barriers that are in the SSM system that doesn't allow it.

>> ELIZABETH KEENAN: I can't speak specifically around it. I do know the requirement for the five weeks is required in SSM for teams to move forward. And so being in my role as -- (inaudible) that's one of the things that recognize it as -- outside of ESY that's another area that we should allow for the teams to be able to -- demonstrate data but how long it would be is up to them.

>> RUPA RAMADURAI: So within that same CPS guidance document there's a section on SLD frequently asked questions. And question 5 I need some -- a little bit of clarification around it.

The question is: Can a student be determined eligible for SLD without MTSS data, and the answer to that question in the FAQ is no, MTSS data must be collected as part of the determination of LDS eligible, moreover the eligible determination document will not allow teams to finalize without MTSS data being entered into the learning environment screening in SFF.

>> ELIZABETH KEENAN: That's to the point around the procedural manual and then the SSM system.

>> RUPA RAMADURAI: So I want to switch gears a little bit and talk about your most recent affidavit submission. I think it was titled a rebuttal affidavit.

And you mention that CPS is willing to make some changes in the procedural manual and SSM around SLD data collection.

Can you explain some of these changes that CPS is willing to make?

>> ELIZABETH KEENAN: Yeah, as I mentioned in my opening statement, what is really clear to me is to be able to kind of gather information from our teachers who are user in the SSM system but also lining up the SSM sis dem along with the procedural manual. The goal would be able to have a working group to be able to go through not only streamlining our SSM system but being able to be able to look at different things, in particular like SLD, how do we make sure we make recommendations and going forward.

I think it's important to be able to elicit information from the people who are using the -- using it and also getting feedback from parents. We are starting a -- a parent advisory group in -- actually this Thursday. And we are, you know -- that will be my goal is to be able to bring it to them to be able to get feedback on the procedural manual and then kind of like their experiences in terms of how we can better support families at IEP meetings.

>> RUPA RAMADURAI: So you had mentioned earlier that if the data collection is four weeks but the data is still telling. So are you saying that MTS data may not be collected in that specific two five full week periods?

>> ELIZABETH KEENAN: In terms of we have to take seriously any kid being recommended for a special education that you have data to support that. That is one thing that we are not going to say you can just place a kid in Special Education under no interventions. So you do need to have that in place, you can't just rush -- and especially we're



talking about SLD. There's multiple other categories that there's qualifiers. SLD is the category that does not really -- I mean, you have to have some data to show that we -- does qualify.

My big concern is if the team goes ahead without any data, then that is a direct violation of the student's rights; so you want to make sure that every team has data, but to allow them to have the decision around making sure that they have enough data to be able to go forward. That's a critical piece for me.

>> RUPA RAMADURAI: That wouldn't necessarily mean that two full five weeks.

>> ELIZABETH KEENAN: Like I said we could look at what does it mean. Five weeks is a best practice and I think that's important. And we look at the research around it, there's -- there's multiple information around different groups that have really researched MTSS. Five weeks is a nice -- is a good way to be able to show data and progress or lack of progress. And I feel like a student does deserve that team to be able to give them enough time to be able to show -- see if they're -- if they're responding to interventions.

Like I said, going forward, you know, we can look at those five weeks as a best practice recommendation, and then to be able to have -- allow for teams to be able to put in there if there's a special circumstance.

>> RUPA RAMADURAI: And do you think that CPS would be willing to make changes around if other types of data would be acceptable outside of MTSS?

>> ELIZABETH KEENAN: Yeah, we would do a line by line screen by screen looking at all these pieces of it. But we're not -- what we're not going to do is to say that there's no data requirements. And I also feel like this is equally important in terms of our population with EL students, English learners, in particular to the SLD. You have to make sure we're giving students enough time.

And we know that if we are providing interventions, we have to make sure that we're not just placing kids in that SLD category, that there's too much -- that there's no data to substantiate that.

>> RUPA RAMADURAI: So MTSS data --

>> MATT COHEN: Can I ask a question? Just for purpose -- I know we can't object. So I don't want to disrupt the testimony, but I'm getting confused about what could be done as an idea versus a plan.

>> NANCY KRENT: Why don't you -- if you need clarification, I'll let you ask that when you're ready. I think -- that would be the best way to proceed.

>> RUPA RAMADURAI: Show Matt actually gave me a perfect segue. So in one of your affidavits in the rebuttal affidavit you -- you speak to some of the advocates concerns around the lack of standardization in data that is required to be collected and how CPS will include this issue in its training going forward.

Have you thought about what this training would look like and what it would specifically entail?

>> ELIZABETH KEENAN: We have -- so I'd like to take it back a step. So to the point of I feel like it's important to be able to move through this process first. Because in terms of being able to elicit groups and to be able to have teachers and to have parents, the ISBE -- the inquiry process has limited data ability from being able to have that conversation to go forward.

So I want to make note of that. It's not a criticism, but it does --

has impacted my ability to be able to kind of meet and to discuss some of these pieces of it.

So the goal -- the plan going forward that -- we've been really clear, is that we are going to look at the SSM system. We will make sure that we go screen by screen and we look at it. And the plan will be to bring in parents and to be able to talk to teachers who are users. Just to make sure that I'm clear that this isn't just something that we're hoping to do, this is something that we haven't been able to do because I've been in this role since September, and then the ISBE inquiry came up. And that's a limited my ability to be able to kind of -- dive deeper into this.

But the other thing is the CTU, we have been meeting, we met starting in November. And that you know, I feel like they're a great sounding board to be able to give a recommendations on this and involving them. So that would be -- being able to utilize that group and to -- elicit from teachers. But I think it's important. And I think this has been proven throughout this entire process.

We have left principals out, we haven't talked to teachers, and we brought information to parents and teachers and advocates after we have already rolled things out. So going forward I want to make sure that -- going forward when we make recommendations, through change systems, we might agree, we might disagree on something. But we need to have the people in the room who are informed, who are able to inform us as a system, but to be able to make sure that we are kind of agreeing on some of the key changes that need to happen.

>> RUPA RAMADURAI: So then to clarify, none of the changes that CPS is potentially considering or willing to make has been reflective in the February 2018 procedural manual.

>> ELIZABETH KEENAN: No, it has not. There have been some adjustment pieces. But the things that I put in my affidavit, those are going forward.

>> RUPA RAMADURAI: All right.

>> NANCY KRENT: Mr. Cozzola is going to ask question, but to make it easier on the witness not to turn her head too far, they're going to switch spots.

>> RICH COZZELA: Good morning. So what I'd like to do first is kind of give you an overview of where I'm going to go with mine. Most of mine is going to focus on either transportation or parapro. But there's also some other questions that have come up from either things that -- that we've gotten in terms of documents that I'll ask you about, and -- or the -- a little bit from the house hearing that a number of people testified at, some questions that came up from there.

And then a couple of loose ends from different things.

So I guess the -- the first thing is I just -- because we ended with this, was just to talk in general about the input that you were getting going forward on things. And some of that I realize has gone back. And I -- as I understand it, there's been first of all, there's been a working group since the Chicago teacher's union since fall of 2016 at least. Correct?

>> ELIZABETH KEENAN: I'm sure that.

There was part of it before, but yeah.

>> RICH COZZELA: At least since 2016. Can you talk about that group is and what your involvement has been even going back to 2016?

>> ELIZABETH KEENAN: When I was a deputy last year, when I was first

brought into that group, it was a combination of teaching and learning, which is our opposite teaching and learning, which is our gen ed. curriculum. And we also had ODLSS on that team.

But when I came into it I think it was probably like October of 2016 when they had their first session. It was clear that there was concerns from the CTU regarding the paperwork. And that was what the efforts it seemed like last year were really kind of the main things.

In terms of the paraprofessional justification, that was the most immediate one that came up right away. And there was a lot of concerns from that group and there was various topics from them after that, the paraprofessional one. But that one kind of really stood out to me. New -- being new to the system, it was clear that there was a lot of frustration from the teachers in terms of the user pieces around the paraprofessional justification.

>> RICH COZZELA: And can you talk about the user piece that you at least recall were frustrating?

>> ELIZABETH KEENAN: At that time it was when they rolled it out, I wasn't a part of the roll-out pieces, I heard about it afterwards much so they criticized what they -- the chief at the time -- they were concerned because he didn't do a professional development, they didn't really -- they did some over the summer, from what I understood. But they really didn't have a lot of specifics around it. So they launched the paraprofessional justification, teachers were notified to send their SSM system, so there was no like warning on it.

>> RICH COZZELA: That's timing of the roll-out.

>> ELIZABETH KEENAN: Yes. And the other thing is the concern around the amount that they had to be able to have ten days of data for behavior, for academics and it had to be for each subject area. And if you had behavior in one classroom versus another one you had to do it for each one of those areas too.

So I think when I heard some of the stories, the teachers were saying that it took them, you know, anywhere from an hour to two hours just to input the data. And so after --

>> RICH COZZELA: To input the data on parapro alone.

>> ELIZABETH KEENAN: Yeah. Yeah. And so when we heard that, those concerns, Dr. Jackson, I was there, and several other people, leaders from CPS were -- met with them. And they discussed -- we discussed with the CTU around how do we make some modifications around it. And they gave us some really great recommendation, can we do an upload, collect five days of data and be able to do an upload?

And so we were able to agree on that. They also had to answer three questions for every area that they were required. So to reduce the three down to you just have to identify the need for each one of those areas, why, but then you had to just answer once, you know, like what is the -- the goal for, you know, reducing or -- not reducing but kind of like supporting the student with more independence around the paraprofessional.

So in looking at that, I mean moving forward, we did some training around this, we met with all of the principals, providing them the training.

The other thing that we changed in there was there was principal verification. I mean, they had to do an actual observation at that time. So we -- we adjusted that from observation to actual verification. That there's data in there and then the principal moving

forward, you know, the team could go forward with the determination.

So we worked on that. We did the professional development in December. And in January. And then going forward in the spring of the year those -- back to your original question, the CTU, we met on other questions around some things. In the recent meetings that I've been leading, working with the CTU --

>> RICH COZZELA: Let me pause you there and we'll come back to there. When did those changes that you talked about -- so let me see if I've got this right. There's kind of a general meeting somewhere in the fall about --

>> ELIZABETH KEENAN: At the very end of the on the, beginning of November.

>> RICH COZZELA: End of October and a subsequent meeting just on this particular issue with --

>> ELIZABETH KEENAN: Yep.

>> RICH COZZELA: -- superintendent, then --

>> ELIZABETH KEENAN: COO. Chief education officer.

>> RICH COZZELA: Chief Education Officer Jackson. When was that meeting?

>> ELIZABETH KEENAN: I think right around that same time. End of October, around the Cubs World Series time frame.

>> RICH COZZELA: Okay. The -- and then after that meeting administration made decisions about what changes would come out of that, those meetings?

>> ELIZABETH KEENAN: We agreed at that meeting these were the significant changes we were going to make. That's when we decided to say yes we were going to reduce it.

>> RICH COZZELA: Go ten days to five days, three questions down --

>> ELIZABETH KEENAN: To -- you do -- reduced it down from three questions every time to you answer one question with a lead is for -- need is for each one of those, academic or behavior and then you have to do, you know, what's the -- you know, there's two other questions. I can't remember.

>> RICH COZZELA: So if it was map -- if the student had a need in math, language art, social study, science, you would -- instead of having to do ten days, you would be able to do five days.

>> ELIZABETH KEENAN: And you only have to do it -- five days for -- you could do it for all of those subject areas. You don't have to do those on five separate day, so you can -- I mean for each one of those area, you don't have to did five separate days.

>> RICH COZZELA: My first day was October 15th, I could look at all subject areas on October 15th.

>> ELIZABETH KEENAN: Five separate days but doesn't mean you have to go five days for social studies, for reading, you need five different day, whatever those days, doesn't have to be all in a row and it doesn't have to be for -- the only difference for academics is five days for gen ed and five days for separate program.

>> RICH COZZELA: Would you still have to enter separate data for math, language arts.

>> ELIZABETH KEENAN: No, it's the setting. So it's five days for gen ed if you're -- and if the para is needed for part of the -- Special Education classroom or resource room, it's five days for that too.

>> RICH COZZELA: So the policy decision on that was made sometime

around November, late October.

>> ELIZABETH KEENAN: Uh-huh.

>> RICH COZZELA: Okay. When did it -- if you know, what does it get changed then in the manual, and then when does it get changed in SMS? Or when did it?

>> ELIZABETH KEENAN: I think that -- well, there was in manual at that time when that was rolled out. So the --

>> RICH COZZELA: The September 16 manual was --

>> ELIZABETH KEENAN: There was no September '16 manual. There was an internal, but that was an older manual. So they made some -- from what I understand, there were significant changes made, but that the -- they didn't update the procedural manual.

>> RICH COZZELA: They didn't update the procedural manual that was inward facing.

>> ELIZABETH KEENAN: Yeah, that was from the previous administration, Margie Winton, Kate Foley was the director of Special Education. It hadn't been updated since like 2014.

>> RICH COZZELA: I want to make sure we're not confusing things, when all the change -- ALS you were coming to Chicago in the summer of 2016, as result -- not as a result, following the consultant's involvement there was a number -- significant amount of training that went on late summer 2016, early September 2016. Correct?

>> ELIZABETH KEENAN: I think -- yeah, there -- they were doing different --

>> RICH COZZELA: It was in part in conjunction with -- was it a procedural manual that came out or just guidelines that came out?

>> ELIZABETH KEENAN: From what I understood it was at that just guidelines, I wasn't a part of that piece of it. But they had roll -- I literally came into Chicago, moved here, and they were rolling out those pieces.

>> RICH COZZELA: Right. So as far as you recall, when was the first procedural manual that you were involved in coming up?

>> ELIZABETH KEENAN: The one in July 2017.

>> RICH COZZELA: July 2017, which was outward facing.

>> ELIZABETH KEENAN: Yeah, that's when we posted on external website. That one was produced, we looked at the -- the old version and updated it with -- where those changes were.

>> RICH COZZELA: Okay.

>> ELIZABETH KEENAN: I do know, though, when that was being rolled out, that it wasn't -- that there was -- that's why we needed to do this 2018, because I'm looking at that, it needed to be tweaked. Because I wasn't -- so there was three -- there was -- there was internal people in CPS working on that. That wasn't produced by the consultants.

>> RICH COZZELA: Okay.

>> ELIZABETH KEENAN: Wanted to be clear about that. As we were moving, wanting to make some course corrections, when the manual was released in July 2017, we still needed to do some more work. Yeah.

>> RICH COZZELA: Okay. So -- all right. Let me see if I can -- so what you're saying, I think -- and correct me if I have this wrong -- as you're making these changes to what was the then existing manual, those changes are not being done by consultants, they're being done by CPS staff and administration.

>> ELIZABETH KEENAN: The 2017 one was done by internal --

>> RICH COZZELA: To July 2017.

>> ELIZABETH KEENAN: Yeah.

>> RICH COZZELA: Do you know whether the prior one had had any consultant?

>> ELIZABETH KEENAN: I have no idea.

>> RICH COZZELA: Okay. So you had these meetings in October and then the manual that they get put into, the changes that you talked about regarding parapros, those end up being finally published in a manual in July 2017?

>> ELIZABETH KEENAN: I -- yeah. That's the correct timeline.

>> RICH COZZELA: And when was SSM changed for those, if it happened?

>> ELIZABETH KEENAN: So it -- so SSM changed when we did the -- we did professional development in December of 2016, about the adjustments and changes.

>> RICH COZZELA: Okay.

>> ELIZABETH KEENAN: And I think it also extended to January, 2017. I think the SSM system was able to be adjusted like that time -- December, January. The thing about SSM and the procedural manual, you might want to be able to -- the SSM system is kind of like lag time, because it's got -- there's -- it's not just as easily to just turn that button off or -- so it takes some time for the team, of three people working on that to be able to redo the coding and all that stuff.

>> RICH COZZELA: So it's not just changing a sentence.

>> ELIZABETH KEENAN: Not just like they changed it. Absolutely.

>> RICH COZZELA: As part of what was also going on I think after you came on, so you had input from the CTU. Through the working group that still is going on; is that correct?

>> ELIZABETH KEENAN: Yeah, it's -- yep. We started up again in November. We've met December, we were reviewing the procedural manual.

>> RICH COZZELA: Right.

>> ELIZABETH KEENAN: We met with them in January again around that. And then also kind of tweaking -- so January, February we -- our main priority this year was November, January, February was the procedural manual.

>> RICH COZZELA: Which came out February --

>> ELIZABETH KEENAN: And that came out after -- we wanted to make sure we had their input.

>> RICH COZZELA: Okay. Also in 2017 you had met twice with -- not the large group of advocates that are kind of wrote the letter --

>> ELIZABETH KEENAN: Yeah, smaller group.

>> RICH COZZELA: You also met with a smaller group of advocates I think in the spring. And also in December.

>> ELIZABETH KEENAN: December. Yeah.

>> RICH COZZELA: Got feedback from both --

>> ELIZABETH KEENAN: Yep.

>> RICH COZZELA: Those are two places that you've gotten input and you're going to be using going forward this -- how are you going to go about getting principal input, you may have already done that. To some degree, but why don't you talk about what --

>> ELIZABETH KEENAN: So we have a couple of -- established groups. And I've used one of them in particular, the principal fellow group. They were the ones that are -- that I worked with on adjustments of the budget. So that group, I know, continued to work with the group of

principals.

I also meet with a -- called principal PLC on Special Education. So I think the ten principals around -- around ten principals in each network. And I started that in October and we've been doing those every month. So getting their direct feedback, just -- you know we've been talking about more Special Education stuff going on at the schools, how do they support IEP teams. And they give pretty good feedback in terms of the budget. They give feedback on the IEP process, the SSM systems.

And so then getting quite a bit -- a significant guidance from them on that.

In terms of parents --

>> RICH COZZELA: On principals, there's also a group called principals association which is an impending group.

>> ELIZABETH KEENAN: Uh-huh.

>> RICH COZZELA: Do you have a formalized input with them?

>> ELIZABETH KEENAN: I have never -- never met with them much.

>> RICH COZZELA: Okay. Are you open to it going forward?

>> ELIZABETH KEENAN: We'll have to see about that.

>> RICH COZZELA: The -- that's principals and then we're -- parents, family.

>> ELIZABETH KEENAN: Parents. That's the one that -- for me, you know, coming in as the chief, that was one of my top priorities. And I look at you know making sure that we reengage our PM, parent advisory group council. Which we haven't had -- I think CPS had one like in 2012. And that was not the -- that was a goal of mine to be able to move that forward. And so we're having that firstly in March. And then also being able to meet with just various groups. So what I do want to do is get some input in terms of a core group of the -- the parent advisory council.

But then also if there were some other ones that want to give some feedback, in particular on procedural manual, as we look at the current one and then as we go forward in making recommendations.

>> RICH COZZELA: So groups maybe like raise your hand and other parent advocacy --

>> ELIZABETH KEENAN: Selective group of them. Absolutely.

>> RICH COZZELA: I assume one of the reasons -- I think you said this earlier -- actually I'll hold on to that. Kind of give a challenging question then out of the way. All right?

>> ELIZABETH KEENAN: Sure.

>> RICH COZZELA: When you were testifying and it's kind of hard to be sure over the tape exactly what the question was, but I -- looking on ISBE website I think I know what it was. A number of people were questioned about this drop in students with IEPs. There's a chart on the ISBE website.

>> ELIZABETH KEENAN: Oh, yeah. Yes.

>> RICH COZZELA: You were asked about. And if you look at the chart I think it says...for school years 13 through 16, so from 12-13, to 15-16, those three or four years, ISBE and CPS, around 14 percent of the students statewide and in CPS have IEPs. And the very last year, the 16-17 year there's a drop-off in CPS to 11 percent. I'm just trying to figure out if you -- it was hard to hear the answers on there and I'm just trying to figure out if you knew why that drop-off.

>> ELIZABETH KEENAN: Are you talking about the score card?

>> RICH COZZELA: Yeah. Score card.

>> ELIZABETH KEENAN: I never -- I wasn't actually asked that question. I think it was Stephanie Jones was asked that question in terms of that. But I do know that. What -- so in terms of that reporting system, if I understand, that when we last year -- the number of students were being reported to ISBE, we were working pretty closely with how to identify our students. But what was going on with -- at that time ISBE had changed their reporting system. And they had been requiring students to have like Sim numbers, or sys numbers. And because CPS is unique --

>> RICH COZZELA: CISS?

>> ELIZABETH KEENAN: I think it was SIS. And the SIS numbers are an identifier. And so we could capture the SIS numbers within CPS students but we were also required to provide SIS numbers for the nonpublic students, the parochial students, the students that we do our citywide assessment. And so those were the ones that they were having difficulty and then -- I think 504 going forward. We were having difficulty capturing those. I became aware of it like in late March in terms of talking with ISBE that there was a concern because when we do the reporting system, we're so large, and then this was a major change because CPS is under the block grant. So they weren't -- they weren't required under that current system to have all these different numbers for SIS students. It's like a student identification number.

And so that was a big change. So --

>> RICH COZZELA: This is March of 17.

>> ELIZABETH KEENAN: Yeah, 2017. I became aware of it. We were working diligently with ISBE. But we had significant amount of errors in particular with the SIS numbers not matching up. We did not see a decline in our overall student population. We track that. We know our number of students, we know that it was 52,000 prior year, now we're at 51,000.

So we haven't seen a significant drop overall. But in that direct questioning, I knew exactly -- because we had been in communication with ISBE, not in directly with Stephanie Jones, it was with the finance department pieces of it.

And going forward we have been working with them. We have -- two phone calls, like one phone call is with Tim inward, over the finance division, they -- we -- they directly have phone calls with our fax team. And also with our budget director. And their team to make sure that we were reporting our December 1 count. So that's really what that was.

>> RICH COZZELA: Okay.

>> ELIZABETH KEENAN: And then we also with ISBE, we have every other week in terms of our indicators and the progress with 11, 12, and 13 and the RDA process. So CPS as I came in, we've been pretty much every other week meeting, having phone conference calls with them.

>> RICH COZZELA: Okay.

>> ELIZABETH KEENAN: But did that explain that piece --

>> RICH COZZELA: Yes. And part of that almost comes through on the tape but I just wanted to be sure.

>> ELIZABETH KEENAN: The other thing is CPS has seen a drop overall, about 30 thousand students in the last three years, but Special Education hasn't dropped as significantly. But the error -- there was an error piece of it. We know that we're already producing, we're back



up to where we should be.

>> RICH COZZELA: Okay. All right. I want to ask -- talk now about a couple things that relate to parapros and relate to transportation but also relate to some other areas.

One of the things you said I think earlier today was it's really important to use information from teachers. Meaning in the schools. Right?

>> ELIZABETH KEENAN: Uh-huh.

>> RICH COZZELA: Why is that important?

>> ELIZABETH KEENAN: Because they're the ones that know the students the best. Being a teacher myself I know when my students were progressing and when they weren't and what I can do to help support them. They also like that support system with the student the, general education and what the students do. They know the students well.

>> RICH COZZELA: Would that extend to the related certificate have I providers who work with the students?

>> ELIZABETH KEENAN: Absolutely.

>> RICH COZZELA: Given that, here's what I'd like to ask you about. There's the data the team has, there's the data that gets in written form, and then there's the data that gets uploaded to the system. The difference between those three things.

So -- and this is -- going to relate that -- this first to transportation.

In the transportation part of the procedural manual now, what does the -- trying to think of the exact phrase. What does the...the DR -- does the DR approve what the local team has done on those decisions that the DR needs to be involved in?

>> ELIZABETH KEENAN: For a particular transportation -- so for --

>> RICH COZZELA: Why don't you just kind of lay out transportation.

>> ELIZABETH KEENAN: So the DR is involved with the charter school contracts, transportation. Special circumstances for transportation. And then also for pre-K. If it's a different drop-off. So if it's a different -- we have like a purple and a blue form. There's different forms, if the kid is going from the home to daycare and back home, or home to daycare or -- or from daycare to daycare much so there's different drop-offs.

>> RICH COZZELA: Right.

>> ELIZABETH KEENAN: So they're a part of that process currently. They're more in there to make sure that we're following through. Because it was through -- you know, complaints that there was students were not being transported in a timely fashion.

>> RICH COZZELA: Now, with -- is the DR also involved in the decision around Special Education transportation to neighborhood or to magnet schools?

>> ELIZABETH KEENAN: So I think in the SSM system it says that that's within -- it has to be related to the student's disability. And so when they're looking at the pieces of -- the special transportation, because we are an open system, we have lots of options. And so in terms of we will provide transportation, it has to be related to the student's disability.

>> RICH COZZELA: Right.

>> ELIZABETH KEENAN: And so with -- I know, going back to your question around the -- with the -- you know, the criteria with transportation, we did get some good feedback from the advocates and

from CTU to make sure we were capturing all these students, if the student is -- has safety issues or they're not able to talk, making sure we're able to capture all of that.

The DR does not, you know, make those decisions, they verify that it's in the system. They -- and then they allow the team to proceed, but what -- the important thing of it is by them being alerted in system and this team lets them know saying we have decided that you know this is -- this is the -- the student meets this criteria based on the data that we have there, that there's a danger of elopement. We want to make sure the student provides special transportation. So you question around --

>> RICH COZZELA: So let's pause there. Okay. So safety and -- is one of the reasons that the student --

>> ELIZABETH KEENAN: There's multiple.

>> RICH COZZELA: Safety is one of the reasons --

>> ELIZABETH KEENAN: Example.

>> RICH COZZELA: A student might get transportation to his or her neighborhood school or magnet school; right?

>> ELIZABETH KEENAN: Right.

>> RICH COZZELA: Not just because the magnet school is farther away, couldn't in essence have made it on their own to a neighborhood school.

>> ELIZABETH KEENAN: Correct. Exactly.

>> RICH COZZELA: So --

>> ELIZABETH KEENAN: In that case we would transport those pieces, right. So -- but if it's just because this -- a specialty -- special ed student doesn't have any safety issues, wants to go to the magnet school, doesn't want to transport themselves, then it would not qualify under special ed.

>> RICH COZZELA: Say the last part again.

>> ELIZABETH KEENAN: They wouldn't qualify under special ed if they're not a part -- I mean if it's not a direct need for them. It's preventing them to travel.

>> RICH COZZELA: So there's -- an IEP meeting where transportation pops up on the student who -- where it's discussed with the teachers and the related service providers who know the student well. And the team gathers data by listening to what's -- what people are talking about at the meeting and they say, yep, that's consistent with our experience in this school.

This student really would be at risk to come to school on her own or we can tell that already. She had transportation for -- transportation last year and we know that that need that the student had last year continues this year.

And the DR's not there. What does the system do when they try to give the child transportation?

>> ELIZABETH KEENAN: The DR doesn't have to do that. The DR could have verified that, the team could have let them know we were considering that. The DR could verify that remotely.

>> RICH COZZELA: Okay. If the DR is not available remotely, during the meeting, and the people who know the student have said that the student needs it and checked the boxes, and have written paragraph about how the student needs the transportation, does the DR still need to --

>> NICKI BAZER: I'm sorry to interrupt. I think Dr. Keenan testified that that's the case, the DR is involved in special

circumstances and for pre-K drop-off pickup. Are those the circumstances you're talking about?

>> RICH COZZELA: No, talking about the child who's a safety -- can't make it to their neighborhood school because of safety reasons. Thanks for clarifying.

>> ELIZABETH KEENAN: And I think you're asking the question that the DR does not have to be involved. I mean so -- if a team knows that, they just have to let the DR know ahead of time so that they can just -- they can actually just -- they could let them know two days and verify it and move forward. I've seen them you know -- they -- as they send them an email saying can you verify this and then they can do that remotely.

>> RICH COZZELA: Okay. So let me ask --

>> ELIZABETH KEENAN: If the team already knows that ahead of time and they know that they have to have it verified then they should let the DR know that, they're not there to try to prevent that from happening, we have to try to coordinate that.

>> RICH COZZELA: I understand. But if the DR isn't there, the team -- and they haven't told the DR ahead of time, and can't get the DR on the phone, sometimes people need -- will even try to get the DR during meeting.

>> ELIZABETH KEENAN: Yep.

>> RICH COZZELA: Then the system will not allow that transportation to it be added. Is that right?

>> ELIZABETH KEENAN: Currently.

>> RICH COZZELA: And if the IEP isn't finalized it will say at that point the DR...verifying the data it will say student is not eligible for transportation.

>> ELIZABETH KEENAN: Right. And that's one of the things that we talked about in my affidavit and even in our opening staples too is that's one of the things to say the team can move forward with that. I think the -- from what my understanding was they put that in there to make sure that they were informed so that transportation would be coordinated. And so CPS wanted to make sure because there is that process of where kids were not being transported in a timely fashion, by having the DR knowing and being aware of it that they could mitigate some of those things. But --

>> RICH COZZELA: I think that's one of the things you said at the beginning that one of the reasons for wanting to have the DR involved is so the link between the student and transportation department or company could be -- the dots could be connected or something.

>> ELIZABETH KEENAN: Right. But there could be looked at a different methodology to be able to capture that. Probably. That's one of the other things to look at. We were looking at releasing that verification or those -- who has all the data to qualify, they were ready to go. We don't have to click that button and move forward.

>> RICH COZZELA: And is the -- in this particular case in transportation, is the -- as presently exists, before -- you know, not trying to move forward -- is the DR's click verification, is it a -- is it a verification of, oh, I see that there's data uploaded, or is it I see that there's data uploaded, and I agree that it supports the inside -- in this case the safety need.

In other words, if I'm the DR, am I going, oh, I see there's a letter, I'm not really going to dispute this?

Or is it I'm looking at this and I'm not so sure that really meets the safety criteria.

>> ELIZABETH KEENAN: Yeah. The transportation in particular with the DR verification is verifying that there's data in there.

>> RICH COZZELA: Just that there is some data in there?

>> ELIZABETH KEENAN: Uh-huh. There's verification. Yeah.

>> RICH COZZELA: And I think when -- so that gets a little to one of the questions that -- I think Ms. Krent asked about. Another area. Trying to get the phrase.

So on this one anyway you're saying that what -- if I'm the DR, I should just be checking that there is data uploaded. Not getting into a qualitative or quantitative analysis of what that data means.

>> ELIZABETH KEENAN: No. Yeah.

>> RICH COZZELA: And one of the things -- one of the places that like charter schools that a DR's approval is needed is something called options schools.

>> ELIZABETH KEENAN: Correct.

>> RICH COZZELA: And options schools are distinct from magnet school, correct? Or no?

>> ELIZABETH KEENAN: I don't know the exact definition.

>> RICH COZZELA: Okay. Do you know what your definition of options schools is?

>> ELIZABETH KEENAN: I don't have one. I know that it's an option.

>> RICH COZZELA: Because it's in the manual.

>> ELIZABETH KEENAN: Exactly.

>> RICH COZZELA: All right. So I'm going to move on to paraprofessionals and some of this is going to go over some of the things that you said. I just want to make sure a couple areas. So with paraprofessionals and clusters as I understand it, one of the changes -- so in 16-17 -- and I -- Mr. Volan will be going I think in more detail on the budgetary changes.

But in the 17-18 year, the year we're currently in, if you're in a mild or moderate cluster, you're given one teacher, two paraprofessionals and that's not part of student based budgeting.

>> ELIZABETH KEENAN: That was a quarter position.

>> RICH COZZELA: If it's a student, it's a quarter position. And if you're in severe -- is it severe --

>> ELIZABETH KEENAN: Severe-profound.

>> RICH COZZELA: Profound, you have one teacher as core position and three paraprofessionals.

>> ELIZABETH KEENAN: Correct. Over and above what ISBE requires.

>> RICH COZZELA: One of the -- that you made in the paraprofessional justification, for those students -- those paraprofessionals who are part of your core, you don't have to do a paraprofessional justification for that. Did I understand that?

>> ELIZABETH KEENAN: Correct.

>> RICH COZZELA: That's one reason for why the minutes on the chart that Ms. Krent talked to you have been greatly reduced.

>> ELIZABETH KEENAN: Right. It's necessary for those programs to be able to provide. That's what we want to make sure that those are consistent, constant positions, yes, absolutely.

>> RICH COZZELA: Okay. In -- on those, so if I'm a cluster teacher and I have my two or three -- depending on whether I'm mild-moderate or severe-profound. I've got those positions, but one of my students

comes in with a need for a dedicated aide because it's a carryover, I have to then do a justification for him or her, though.

>> ELIZABETH KEENAN: Correct. Over and above the two or three. Parents --

>> RICH COZZELA: Same for shared. Some students in clusters share aides in addition to the ones in the core --

>> ELIZABETH KEENAN: They might go into a gen ed. Cluster or the parents say, but there's -- we document that.

>> RICH COZZELA: All right. So I believe you said that one of the things that you saw when you looked at the data was that there were more -- I might have misheard this a few minutes ago, there were more dedicated aides in 17-18 than there were in 16-17.

>> ELIZABETH KEENAN: I don't know specifically for sure, but we were looking at with some of the data transfers -- which is not a bad thing. We look at --

>> RICH COZZELA: The data --

>> ELIZABETH KEENAN: Trends for the cluster programs is they're shared and there's also dedicated. Which is -- but that also determines that it helps us kind of understand that particular programs and particular severe-profound, that they do require -- they might have three, but they might -- the student requires significant amount. So that's more of the dedicated. It's -- might not be for a whole day, because CPS has the shared or they have dedicated. But dedicated might -- does not mean all day long.

>> RICH COZZELA: Right.

>> ELIZABETH KEENAN: So they might have more dedicated supports in terms of what their activities. And a lot of times because the students have service care, then those are dedicated minutes. Or times.

>> RICH COZZELA: Okay I think what I was trying to get at was what it was that you said you saw when you looked at the data about -- I thought it was something about more dedicated at some time period.

>> ELIZABETH KEENAN: Yeah. That's what I meant was that we're seeing more data with cluster programs needing more of that dedicated support. And it helps us kind of -- and the reason I state that is that it helps us understand you know, what type of professional -- paraprofessional, professional development that we need to start to look at for in particular our cluster programs. That was my mind set around that.

>> RICH COZZELA: Meaning now in 17-18 you are seeing coming back from the people who teach and are involved in cluster programs more of the sense in spite of it being cluster programs and having aides there is more of a need for dedicated aides.

>> ELIZABETH KEENAN: Absolutely. Yep.

>> RICH COZZELA: You had given the total numbers, I think off the top of your head for the number of paraprofessionals this year versus last year.

Do you remember them right now?

>> ELIZABETH KEENAN: I actually have a cheat sheet here. So that's why. So the paraprofessionals, we have currently the total right now is 3794. In 2015-16 we had 3765. The.

>> RICH COZZELA: 15-16, 47 --

>> ELIZABETH KEENAN: 894.

>> RICH COZZELA: Do you know how many vacancies there are?

>> ELIZABETH KEENAN: In 2012-16 -- this year we have 147.  
>> RICH COZZELA: 15-16 compared to 17-18.  
>> ELIZABETH KEENAN: Half of the vacancies.  
>> RICH COZZELA: Sufficient 16-17.  
>> ELIZABETH KEENAN: 224.  
>> RICH COZZELA: 224 vacancies, and the total number of paraprofessionals in 16-17.  
>> ELIZABETH KEENAN: 3793.  
>> RICH COZZELA: 3793?  
>> ELIZABETH KEENAN: Uh-huh.  
>> RICH COZZELA: One less than this year?  
>> ELIZABETH KEENAN: Uh-huh.  
>> RICH COZZELA: I'm going to ask a similar question about paraprofessionals to the one I asked about transportation. So the...for example if a child moving from a blended pre-K where they're in a -- in a classroom that already has a teacher, a Special Education teacher and some paraprofessional already in class, and they're moving into kindergarten. And the -- the team sits down for the annual meeting and maybe has not uploaded information about data in the classroom.  
But the conversation at the meeting is like the one I described, you know, for transportation where the team says oh, yes, this child needs a paraprofessional, we -- I just -- and for whatever reason they haven't filled out the paraprofessional justification form.  
Now, going forward is it the plan on the paraprofessional justification form that you don't have to necessarily fill out that form, you can just fill out information for five days that could be more narrative, or do you still have to use the form going forward?  
>> ELIZABETH KEENAN: We can -- we're going to look at that piece of it. I think going forward we're going to, you know -- the -- there's pieces of the data, pieces that I think are necessary. And I think I've heard concerns around in particular paraprofessional, not so much the data collection pieces of it, but the amount of questions that you have to keep repeating.  
And so streamlining that, that is absolutely -- because as a teacher, looking at some of that, and I'm like that is a lot of redundancy.  
>> RICH COZZELA: Right.  
>> ELIZABETH KEENAN: That's where I feel it gets really powerful for the teachers to be able to have input on that piece of it.  
>> RICH COZZELA: So if it was today, in order to get paraprofessional --  
>> ELIZABETH KEENAN: You would have to do -- so for that particular situation, the students in a blended classroom. You would take five days of data, because the student's in only one setting. And so you can collect the data on how much -- what the behavior, what the need is. And so to keep them on task, is it on track, to help academically? You know, those type of things.  
>> RICH COZZELA: Is it your understanding that in SSM now that you have to say retraining it in math and tracking it in language arts and we're tracking it in...each of the subject areas that the child would be blended?  
>> ELIZABETH KEENAN: No, it's the setting. So if it's a general setting, since the student's in a blended classroom they would track the data in there. You could track it for -- during your reading time, you could track it during math time. Different data points, but it would be five --

>> RICH COZZELA: You would not have to track in each of those much.

>> ELIZABETH KEENAN: You could if there's a need. You could say I have a data point on like say last Wednesday and then for reading I also saw that student needed supports, so we have a data point on Friday. It's the setting. So it's five days of data in the gen ed.

Now, if it's -- if it's when you look at for math and reading, if I'm remembering it correctly, I think they do split it up because it does make -- I'm just recalling this -- so that -- because there's different things that are required in math and are required in reading. So I think it's five data sets. And I think when we were looking at it, teachers could have -- especially if there were questions -- sometimes depends if it's reading, math, you would -- and separate setting, I could have -- would have to fill out like 12 boxes or 16 boxes.

>> RICH COZZELA: 12 boxes or 16 boxes for --

>> ELIZABETH KEENAN: Yeah being exactly. So that is to me where you could streamline it to say academically this is what the student needs the supports and then behaviorally. Those are two different things. And then to be able to treatment line that piece of it and then those questions much so there's a lot of growth, but we can do to make sure that, you know, we have the data, but it doesn't make the teachers have to reproduce data over and over and over again.

>> RICH COZZELA: All right. So the one thing you're looking at but it's not in the manual or --

>> ELIZABETH KEENAN: Correct. It still exists separately.

>> RICH COZZELA: Is reducing it possibly down to -- reducing the number of fields that have to be completed into academic and behavioral.

>> ELIZABETH KEENAN: Yeah. Those two core areas, that's typically how it's done and what I have been familiar with in other districts, you do the data on academic, behavioral. And you delineate that out.

>> RICH COZZELA: Is there kind of going back to the IT meeting, is there -- I realize that in an ideal world, maybe teachers would -- and other related service providers, would be able to fill that out in advance. But is there any reason that either A, teachers could -- the staff could come to an IEP meeting and say you know, I've got my notes on the five days that I was with the student and here's the five it days, the data that I have. Haven't had the chance to upload it in the system.

The SSM system somehow takes that into consideration and the team is then without having to go beyond the walls of that team, approved it.

>> ELIZABETH KEENAN: Because I think right now -- I don't think, but I know right now because the principal has to verify that.

>> RICH COZZELA: Right.

>> ELIZABETH KEENAN: One thing that we talked about in adjusting that would be is -- you know, say for instance the team in that situation, the principal's not there. They have the data, but being able to allow that there's a designee. Which is typical in a lot of districts where you have a designee.

If I'm a principal and not able to be at this IEP meeting, I have a designee of assistant principal or case manager. Generally somebody who's not providing direct support services to that student and somebody who has knowledge of the curriculum, knowledge of the educational system, and can be informed on making decisions at that level. Just like the district rep. Right?

So one of the things we think about is that if we -- not thinking about, going forward is to release that designee, is allowable for the principal to designee that if it's the case manager. At that point all you have to do is scan it, upload it, they could put it in there. And then the case manager can move forward.

>> RICH COZZELA: So that would be the play on --

>> ELIZABETH KEENAN: Moving forward. But right now the scenario, if the principal's not there, and the data is not uploaded, the team would have to reconvene.

>> RICH COZZELA: So if the team --

>> ELIZABETH KEENAN: Actually --

>> RICH COZZELA: Team says we have to reconvene to get approval, assuming the principal's -- upload the data --

>> ELIZABETH KEENAN: They're not approving it, they're just verifying it.

>> RICH COZZELA: Is the principal just now verifying that there is data there, or is the principal kind of looking at it and saying...oh, I think this is good enough to get the child a parapro?

>> ELIZABETH KEENAN: When we did the professional development for principals and as we continue to do it even at our last session, since 2017 I mean this year and last -- at the end of last year, we were clear that -- and informing case managers, it's a verification. You're not determining -- you're verifying that this data is not in the system --

>> RICH COZZELA: You're not deciding whether it's sufficient to meet the standard. You're verifying that there's data there.

>> ELIZABETH KEENAN: Correct. Because one of the criticisms we've had is people were determining para supports without any justification around that.

>> RICH COZZELA: Okay. Has clarifying language about that been put into the new -- manual, the February manual?

>> ELIZABETH KEENAN: Around the verification?

>> RICH COZZELA: Verification means not evaluation of the data, it means verifying that there is data.

>> ELIZABETH KEENAN: I can't remember the exact language around it. It says it's verifying the date it is in -- populated in the system.

>> RICH COZZELA: In the feedback from principals, that you've gotten, have they -- have you gotten any feedback -- and -- along these lines, that you're putting me as a principal into the position where I have to decide about paraprofessionals or not, puts me in a position of then do I have to do a budget appeal for this or --

>> ELIZABETH KEENAN: I haven't heard it that way. I heard it more in 2016 in the fall that -- that's when I heard a lot from principals, they were concerned about -- and at that time it was not just a verification, it was an observation. So they were concerned about, you know, we're not with this kid, we shouldn't be making this determination.

>> RICH COZZELA: Okay.

>> ELIZABETH KEENAN: And that. So I did hear that really loud and clear from principals.

>> RICH COZZELA: So principals, the feedback you heard loud and clear was I'm not with this kid day in and day out. I'm a little uncomfortable with this falling to me.

>> ELIZABETH KEENAN: Especially in the terminology it was at that



time, it was an observation.

>> RICH COZZELA: Okay. Because there was one observation if the child already had a aide and observations --

>> ELIZABETH KEENAN: I can't recall the specifics, but they were required to have an observation. When we made that in October-November time frame, that's when we adjusted to upload the system and there was a verification that there's data in the system.

>> RICH COZZELA: Okay. But you haven't heard any -- and was taking at least some of the paraprofessionals out of the student-based budgeting...

>> ELIZABETH KEENAN: I think one of the things I would say it is that principals -- where we were rolling it out last year with the budget in terms of the cluster programs and making sheer we had the quotas, the concern was around the appeals. And the recommendation that I wanted to move forward with was that we allow that process to be more streamlined. Because we know 70 percent of the appeals for para -- are paraprofessional in general.

And so I did hear when we were meeting with principals last year during the budget pieces that they recommended you know, can we streamline this?

The other piece that came out of that was so we weren't able to -- the decision was CPS still wanted us to go for the appeals process. And so that wasn't -- like going forward that's what we're recommending is that we just go directly to ODLSS for that appeal. The other thing is that last year we had -- and they might have had this in previous year, I think it got lost in translation in some cases -- that if a principal identifies a student, even prior to a special ed student, we will provide a sum -- and so a principal can email a substitute paraprofessional so they can email Arlene Lucas, this is a student that's new to their school, we are going to fill out the appeal.

But in the meantime that's over and above what we currently have and we provide paraprofessional substitute. And she would work with talent to say here's the bucket. They would send it to the principal, and they could hire a substitute paraprofessional. And that generally went for four weeks until they were able to -- if the appeal went through they could hire somebody. Generally our appeals provide 12 days before the chief and then the actual final decision. But we gave it for 14 weeks -- or until they hired somebody. Because we know that posting and going through the interview process.

>> RICH COZZELA: And that process, the sub process began --

>> ELIZABETH KEENAN: Last -- I'm -- now our -- Arlene can speak a little more but I became aware of it -- I was making sure that that was something that was articulated to principals and saying -- so I think it's a new process. And when I met with principals directly, some of them knew it, some didn't. But for going forward, making sure that they're all aware of that.

>> RICH COZZELA: So you wanted to make sure principals were aware this process exists.

>> ELIZABETH KEENAN: Yeah. And when I've been meeting with the principals, some knew. I would say 70 percent of them knew and 30 were like we didn't know that was possible. So -- and I think to the point was that we don't want a principal to say we can't afford to pay for this or go through the appeals. We want to make sure that there's a mechanism to be able to provide the funds and to be able to in the meantime while you're requesting the funds, that you have a sub.

There isn't -- there isn't a school system that can produce a para immediately. But the sub option does allow for them to be a little bit more reactive and they can get in the (inaudible).

>> RICH COZZELA: Okay. Going back now just really briefly to the IEP meeting about parapro, as it is now, if you don't have the right data uploaded so that the principal cannot verify, and the -- if you finalize the IEP that day, it will show that the child is not eligible, is that right?

Even though it's -- what's going on is that you're really just trying to get the data -- to finalize.

>> ELIZABETH KEENAN: Yeah, I can't remember the wording about it, but from what I understand is that the team -- you know, they put in there that they're considering to make sure that they have the data there. So that they would have to reconvene.

And if they didn't collect any data, for instance, if they're at the meeting, they said we need to have it -- you know, you've got to be able to have data to be able to support that. So they collect it, you know, and then they reconvene. That isn't an atypical -- to me that's something that shouldn't have just come up.

But it does in -- you know, you reconvene if that's a typical situation. But if there's a verification because we just didn't upload it, now we can't move forward because we -- the principal's not there, because of that kind of scenario, those are unique -- I mean, those are like outliers, but for me it's important to make sure that we're addressing so that the team has more autonomy or they will need to be able to move forward.

>> RICH COZZELA: My question is just if you're at the meeting, and people have talked and given the information that they have, that the team is not able to have it uploaded now, haven't uploaded the data in advance, and the principal isn't there to verify, and you want to finalize the IEP, it indicates that the student is not eligible for (inaudible).

>> ELIZABETH KEENAN: I can't remember if it says -- what it says, what comes up.

>> RICH COZZELA: Okay. You had said that OSEP -- this is not ES wide, kind of jumping quickly. That OSEP your memory was that they recommended -- if it was on ES wide --

>> ELIZABETH KEENAN: That was more MTSS. Five weeks.

>> RICH COZZELA: Five weeks.

>> ELIZABETH KEENAN: They recommend between five to eight weeks keen.

>> RICH COZZELA: And that was for learning disability.

>> ELIZABETH KEENAN: Yes. And that's only for school districts that are not doing the discrepancy model.

>> RICH COZZELA: And is the five to eight weeks, two periods of five to eight weeks, or is it --

>> ELIZABETH KEENAN: They recommend -- if you look at most RTI recommendations, it's two weeks.

>> RICH COZZELA: I'm asking about OSEP. So if they recommend two periods --

>> ELIZABETH KEENAN: Specifically say around -- they do have some language around -- I don't have the particular guidance document. But they do recommend that you utilize the data. MTSS or RTI does recommend that you do two -- it can be five --

>> RICH COZZELA: Two separate groups.

>> ELIZABETH KEENAN: Interventions.

>> RICH COZZELA: And what you don't know is if those -- in the OSEP guidance is they were talking about a total of five to eight weeks or two periods.

>> ELIZABETH KEENAN: No, they haven't set a hard line if it's five or eight. And that's why in terms of -- for me and having this process in other districts, is that you can do the best practice recommendations and it will allow for teams to make additional recommendation.

>> RICH COZZELA: That's it.

>> NANCY KRENT: All right. Thank you. It is now a little after 12:00. We're going to probably adjourn for lunch, unless the amount of questions that the parties have is very short.

(Laughter.)

>> NANCY KRENT: Otherwise we'll break now. Hearing that it is not going to be very short from that response, we're going to break for lunch. Take a short lunch break, come back at 1:15.

Thank you. We will be back at 1:15.

(Break.)

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>> NANCY KRENT: We're back from lunch. Thank everyone for patience. We're back captioning and streaming.

So the team has finish its questions. We now have been -- give each party the opportunity to ask some questions. For scheduling purpose, we will be concluding this witness no later than 2:45. If everyone is not finished at this time, we can recall this witness next week. Mr. Cohen, Ms. Pribyl -- I don't know --

>> MATT COHEN: The team and I wish we could meet under other circumstances than this. I met the first time, I think a week or two ago. But you certainly walked into a complicated situation. What I want to do in my questions is start off with some sort of background and I think Mr. Cozzola asked some questions related to that and then I'm going to track some questions related to that and then track back and ask some other questions, so you have an idea what I'm doing. The first thing I want to clarify is when did you actually start with CPS.

July 2016. Middle of July.

>> MATT COHEN: And what was your position then?

>> ELIZABETH KEENAN: Deputy chief.

>> MATT COHEN: And you actually got involved in this process as soon as you were hired, didn't you?

>> ELIZABETH KEENAN: I wasn't totally involved in it because there were a lot of things that were moving so I was coming into everything new.

>> MATT COHEN: I understand you were new, but I think in response to question to Mr. Cozzola, he asked about a meeting in late August, particularly documents that were referenced in a moment now, that you didn't remember that. In fact, according to the records of the task force, you were involved as early as July 20th and participating in weekly meetings concerning the task force from that point on; right?

>> ELIZABETH KEENAN: I was involved in meetings starting around July

13th, when I started.

>> MATT COHEN: The documents that relate to those meetings describe specifically with your name and Madeline Fearer attached to them, responsibility for process and standardization and guidance documents. Can you describe to us what that was?

>> JENNIFER SMITH: Ms. Krent to the extent there's questioning about specific documents and there was just a reference to a specific document and asking about what that means, we'd ask that the witness be provided that document to answer the question.

>> NANCY KRENT: Do you have a page number for the document you're referencing?

>> MATT COHEN: I do it's 2050 of the CPS documents.

>> NANCY KRENT: Okay.

>> MATT COHEN: Unless there's a question about my recitation of the document, I think it's going to drag things out considerably if every document requires a page reference and --

>> NANCY KRENT: I think it would be helpful to have page numbers.

>> MATT COHEN: Page numbers, absolutely, but to verify the page, unless there's a question to it --

>> NANCY KRENT: I'll leave it to each witness if they need to see a document you're asking about.

>> MATT COHEN: Page --

>> NANCY KRENT: I think that's number -- I don't think that's --

>> MATT COHEN: It's 2050.

>> RUPA RAMADURAI: It should say on the cover.

>> ELIZABETH KEENAN: Says 2157 to 28 --

>> NANCY KRENT: 2050, the number you're looking for. There you go. That's our set. We'll share. All right.

Okay.

>> MATT COHEN: See in the middle of the page of 2050 it makes reference to you and says process and protocol standardization?

>> ELIZABETH KEENAN: So that was in relation to formatting a document. So Madeline was one of the consultants, and they asked that her and I work on the -- they had produced the guidelines and they formatted it into a formatting system.

>> MATT COHEN: And so all you were involved with was formatting that content?

>> ELIZABETH KEENAN: No, none of that content was mine.

>> MATT COHEN: To your knowledge was the set of changes that were recommended by the panel adopted by CPS?

>> ELIZABETH KEENAN: I have no idea.

>> MATT COHEN: You were brought in as the deputy and in September you became the director.

>> ELIZABETH KEENAN: A year later.

>> MATT COHEN: You have no idea whether those recommendations were adopted?

>> ELIZABETH KEENAN: I was not here at the time when those were rolled out. I cannot speak to if they were adopted.

>> MATT COHEN: I'm confused when you said you weren't here when they were adopted.

You were here when they were developed; right?

>> ELIZABETH KEENAN: Those documents were already in developing and they were producing them and I have no idea if they were approved as --

>> MATT COHEN: And so you're now the chief special ed officer for

CPS; correct?

>> ELIZABETH KEENAN: I've stated that in my opening statement.

>> MATT COHEN: And you're aware that there were concerns about that process; correct?

>> ELIZABETH KEENAN: And I corrected quite a few of those pieces.

>> MATT COHEN: You can I think just answer my questions and then you can comment if you want --

>> JENNIFER SMITH: Ms. Krent, the questioning has been very adversarial.

>> NANCY KRENT: I think he's trying to get a couple of answers about a particular process about what her involvement was, I'm going to let him continue.

>> JENNIFER SMITH: You know --

>> NANCY KRENT: I'm going to let him continue.

>> MATT COHEN: Dr. Keenan, what I'm trying to find ought is as director of OLDD, you need to know what the --

>> ELIZABETH KEENAN: At the time I was deputy chief I was not involved in the rolling out of those pieces, I was involved in the formatting of those documents but not DR -- I was not involved if there was decisions on where there was approval with cabinet level or board members or anything like that.

>> MATT COHEN: Okay. But that wasn't my question. You did participate in weekly meetings; correct? About the policy?

>> ELIZABETH KEENAN: It depends on which meetings I was at.

>> MATT COHEN: All right. Well, I'll just call to the panel's attention that there are a series of documents in the record --

>> NANCY KRENT: You don't need -- if you want to call our attention to documents, later, you can do that later. Right now we need you to just ask the question.

>> MATT COHEN: So when you became deputy director of ODLSS, did you review the CPS policies and procedures concerning the special education?

>> ELIZABETH KEENAN: When I came in there was nothing I was reviewing at that time.

>> MATT COHEN: And is there any point subsequent to when you were hired that you reviewed the policies and procedures of CPS regarding Special Education including the policies that were developed as a result of this task force.

>> ELIZABETH KEENAN: That was not a part of my review process.

>> MATT COHEN: Didn't hear my question. I'm not asking when you were hired.

Subsequent to being hired to the present, have you ever reviewed the policies and procedures that were put into place as a result of that task force.

>> ELIZABETH KEENAN: Of the task force back in --

>> MATT COHEN: 2016.

>> ELIZABETH KEENAN: When I was brought in there were guidelines and documents that were -- I started getting involved in them when we looked at the parapro form as I referred to earlier in my testimony.

>> MATT COHEN: As you took over as director of ODLSS, did you review the policies and procedures governing education including CPS including the policy developed by the task force?

>> ELIZABETH KEENAN: When I started reviewing those deeper, it was more in the policies in October.

>> MATT COHEN: You have now reviewed all of those policies; correct?

>> ELIZABETH KEENAN: I reviewed my current policies.

>> MATT COHEN: And your current policies include the policies that were adopted in December of 2016?

>> ELIZABETH KEENAN: There's been quite a few modifications.

>> MATT COHEN: But some of those are still in force; correct?

>> ELIZABETH KEENAN: I'm sure there's some wording in there that's the same.

>> MATT COHEN: And you and Ms. Bazer made several comments that you were aware that there were challenges, that you were aware it wasn't perfect. You were aware that there were problems. So please tell us at the moment what do you see as the -- perfectionist is something we all strive for but never reach. What are the specific problems that you perceive that you were referring to that need to be improved in relation to CPS's --

>> ELIZABETH KEENAN: As I submitted my affidavit, the improvements around the SSM system in terms of the ESY and transportation pieces and looking at the overall system and aligning it with our procedural manual.

>> MATT COHEN: And the procedural manual you are referring to is what was adopted February 2018?

>> ELIZABETH KEENAN: The current one.

>> MATT COHEN: February 2018.

>> ELIZABETH KEENAN: The current one.

>> MATT COHEN: You said you had other things you were working on or thinking about but you were prevented from reaching out to parents and teachers and the like because of this process; is that right?

>> ELIZABETH KEENAN: This has been a pretty intensive process and people have been totally willing to meet because they wanted to wait for this process to end.

>> MATT COHEN: So tell us which people did you reach out to that were unwilling to meet because of this process?

>> ELIZABETH KEENAN: It was a couple parents I was meeting with prior to the ISBE inquiry and they were not wanting to continue it after we started going into the process.

>> MATT COHEN: But you have not initiated any broad based effort to get parent input with respect to the policies that are being revised or that were just revised for the 2018 policy guideline; correct?

>> ELIZABETH KEENAN: Currently we are going to be having a procedural -- our -- we'll be having our parent advisory council on Thursday.

>> MATT COHEN: That's the first step that you're doing that.

>> ELIZABETH KEENAN: Yep.

>> MATT COHEN: And the process of reaching out to teachers, you said you've had some meetings with the CTU.

Have you had any outreach to teachers other than those with the CTU?

>> ELIZABETH KEENAN: I met with a group of teachers that are an advisory group with Dr. Jackson. It was about three years ago.

>> MATT COHEN: You made a comment when -- I think Mr. Cozzola asked you about outreach to the principals association. And the OC.

Is there a reason why you wouldn't have outreach or include the principal's association in these discussions given that they've expressed concerns about the entire process?

>> ELIZABETH KEENAN: I've met with principals. I have reached out



to the association.

>> MATT COHEN: I asked you what would be the reason that you wouldn't meet with the association given that they've expressed concerns about the process and shared proposals and ideas about what needs to be done to fix it.

>> ELIZABETH KEENAN: I just haven't seen it as a format right now.

>> MATT COHEN: And you also said there were a number of things that you were looking at in terms of SSM and best practice with respect to SSM and data gathering and ESY and parapro where you thought there could be more flexibility in the process.

Did I understand that correctly?

>> ELIZABETH KEENAN: That's what I testified.

>> MATT COHEN: But you haven't actually initiated a process of developing those new flexible standards --

>> ELIZABETH KEENAN: As I mentioned before my testimony, that once this process is over we're going to be engaging with that process with our teachers and parents and getting feedback from principals.

>> MATT COHEN: Now, you testified in the system has a significant role for district representatives; correct?

>> ELIZABETH KEENAN: Correct that we have district representatives? Yes, we have --

>> MATT COHEN: And they play a significant role in terms of monitoring of decisions that are included in the guidelines, correct.

>> ELIZABETH KEENAN: I would not agree to your terminology. They are part of our system and they are part of our ODLLS system.

>> MATT COHEN: How many district representatives are there.

>> ELIZABETH KEENAN: About 40.

>> MATT COHEN: 40.

>> ELIZABETH KEENAN: Around there.

>> MATT COHEN: And do they have responsibilities other than monitoring the IEP decisions.

>> ELIZABETH KEENAN: The district representatives work with schools on the IEP, overview pieces of it. In terms of also looking at supporting schools, during IEP meetings, they also provide professional development to a case managers on a monthly basis. And then you know they'll meet with parents if there's request where there's an IEP meeting that's not -- that they're not in agreement.

>> MATT COHEN: All right and as I understand it they need to be involved in every decision that relates to transportation for student who's in a charter school, contractor school or option school; correct?

>> ELIZABETH KEENAN: In those three areas, they verify that there's information going into the system.

>> MATT COHEN: All right and would it -- I'm not asking for precise number but it would be correct that there are about 9,000 kids with disabilities in that category of schools.

>> ELIZABETH KEENAN: I cannot verify that.

>> MATT COHEN: And in addition to the kids who are in charter, contract and alternative school, they also have to be involved and verify data with respect to decisions about ESY for kids who are under the new construct and a special category or outside the timelines; correct?

>> ELIZABETH KEENAN: Special circumstances?

>> MATT COHEN: Yes.

>> ELIZABETH KEENAN: What was your -- repeat your question.

>> MATT COHEN: Involved in verifying the data for those children as well; correct?

>> ELIZABETH KEENAN: Not anymore, after the May 15th they won't be involved with that because that's going to go up until then. If there's a special circumstance that they should reach out to them.

>> MATT COHEN: And they're also responsible for making decisions about or verifying data for kids who are in preschool or being dropped off at different location; correct?

>> ELIZABETH KEENAN: That's one of the things that we're looking at adjusting.

>> MATT COHEN: And they're also involved in decisions about whether a child needs an out of district placement either that therapeutic day school or --

>> ELIZABETH KEENAN: I've testified to that.

>> MATT COHEN: How many kids are currently in therapeutic day school in CPS?

>> ELIZABETH KEENAN: About 1,000 on average I think.

>> MATT COHEN: So any of those children that the district reps would have to be involved in those as well.

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: So they have huge numbers of kids who they're responsible for monitoring in terms of those decisions, don't they?

>> ELIZABETH KEENAN: Part of a large system, yes.

>> MATT COHEN: But they have particular personal responsibility, those 40 people, for monitoring the 1,000 kids in therapeutic day school, the kids who have transportation who are in contract and charter schools, the kids who have exceptions under ESY, the kids who are being sent to contract -- to -- need transportation pursuant to an IEP, and they have to also be monitoring the data with respect to the decision or one to one aide; correct?

>> ELIZABETH KEENAN: I'm not understanding the line of questioning.

>> MATT COHEN: I'm trying to understand, given 40 people how it's realistic to think that they're going to be able to do all this.

>> ELIZABETH KEENAN: We -- we divide them up by the networks and they work with the schools.

>> MATT COHEN: And you said that -- and the procedures call for that they can delegate it in advancing some cases to district representative in the school; correct?

>> ELIZABETH KEENAN: If -- yes. If they can verify, then the team goes forward.

>> MATT COHEN: They still have to review to.

In toward order to Mark.

>> ELIZABETH KEENAN: In certain circumstances when you have the transportation, asking them to verify it and then supposedly the situation --

>> MATT COHEN: Whether they come to a meeting or they delegate, they still have to review the information; correct?

>> ELIZABETH KEENAN: Uh-huh. They can do it there or off site.

>> MATT COHEN: If the meeting is scheduled for a particular date and they can't be there, what happens?

>> ELIZABETH KEENAN: They work with the school. I've asked them that they prioritize throws and work with the schools to make sure they're there.

>> MATT COHEN: They're pro or tithe advertising hundreds of

meetings.

>> ELIZABETH KEENAN: Not on the same day.

>> MATT COHEN: There are hundreds of meetings occurring at the same time.

>> ELIZABETH KEENAN: They're not required to be at the same meeting and they're divided up by network, so network specific.

>> MATT COHEN: But all of the networks have kids who are going through that process simultaneously; correct?

>> ELIZABETH KEENAN: Not all at the same day and not the same time.

>> MATT COHEN: So would you say that there are some circumstances where a decision by the team is delayed because the district rep is not able to be there in the meeting has to be rescheduled?

>> ELIZABETH KEENAN: I have asked them and they have reported that when they work and they say that they can't meet that meeting, then make sure that they're rescheduling that meeting so they can attend but most cases that when schools alert them I talk to the district reps and say the schools are working with them and they schedule the meetings. If there's a ten day notice of meeting and they schedule it. It gives them enough time to be there.

>> MATT COHEN: If they have a ten day notice for meeting and they schedule it that assumes everyone can meet within that ten day, correct.

>> ELIZABETH KEENAN: It's notifying it them when the meeting is going to be occurring.

>> MATT COHEN: It's not autopsy possible to sit meetings within 50 days, is it.

>> ELIZABETH KEENAN: They can set them in the calendar.

>> MATT COHEN: At some point.

>> ELIZABETH KEENAN: That's what they do.

>> MATT COHEN: Anytime that happens is resulting in a delay about whatever the decision is they need to make, correct.

>> ELIZABETH KEENAN: It's very rare that that would happen.

>> MATT COHEN: Okay. So with respect to the issue of what the decision or role of the district representative, you responded to Mr. Cozzola, I believe, quite specifically that their role was to verify not to veto or make the decision, would that be fair.

>> ELIZABETH KEENAN: In certain cases, when they're verifying certain pieces of data, that's required they will do that.

>> MATT COHEN: I'm kind of confused about that position. Because the purpose of reviewing the data is to make sure that there's a good basis to make a decision; correct?

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: And in order to make a good decision, you would not only need to determine that there was data, but that there was data that was relevant to and adequate to make the decision; correct?

>> ELIZABETH KEENAN: They're verifying that there's data in the system.

>> MATT COHEN: There's difference between data existing and the quality of that data. So I think it's a very important question to understand. Is the purpose of their review to not only assess that there is data but the quality of that data or just that data exists.

>> ELIZABETH KEENAN: That data exists and we hope that the schools are providing the data for the IEP team to be able to be informed on the decision.

>> MATT COHEN: What would the distribute representative if they see the data exists but they think it's not very good data.

>> ELIZABETH KEENAN: They don't make that determination.

>> MATT COHEN: So what's the point of having them even look at it if they're not making a determination as to quality.

>> ELIZABETH KEENAN: They've been -- we've told them that you know you're there to verify it.

>> MATT COHEN: Verify that it exists.

>> ELIZABETH KEENAN: Existing in the system.

>> MATT COHEN: So what is accomplished then by having them simply verify that it exists?

>> ELIZABETH KEENAN: That there is data in there so that the team can go forward to make sure that they're making the decisions that are --

>> MATT COHEN: What if the district representative looks at the data and they think qualitatively it's inadequate, they have to say it's okay?

>> ELIZABETH KEENAN: I said they verify it.

>> MATT COHEN: The process would go on even though they feel the data is inadequate.

>> ELIZABETH KEENAN: I have said that they verify it.

>> MATT COHEN: Out of curiosity in terms of this data verification, I'd like to give you a couple examples. Let's assume that a student is being considered for -- and I think we can say a therapeutic day school or a one to one for the purposes of this hypothetical. But a student is being considered for a therapeutic day school or one to one, and the presenting problem is that they've been -- they tried to commit suicide and they're being identified as acutely suicidal.

By the -- who are working with them but we don't have five discrete days of data, what would happen for the decision in terms of the aide or the decision which requires actually five weeks of data for therapeutic day school?

>> ELIZABETH KEENAN: I can't hypothesize in that situation.

>> MATT COHEN: That's a very real issue, happens all the time. And the way that the guidelines are currently written, they're requiring data without regard to the quality or situation; right?

>> ELIZABETH KEENAN: We have said that there's verifying the data and they put it in the system and the IEP team makes a decision to go forward.

>> MATT COHEN: Now my question is if the data doesn't exist, you don't have five days of data for an aide or five weeks of data for therapeutic day school is it the job of a district representative to deny the request for that service even if the student is presenting with a severe emotional or behavioral problem that short term --

>> ELIZABETH KEENAN: That's a very unique situation, in terms of there is multiple students having their IEPs. So in those two situations we have to know specifically. I'm not going to hypothesize on what is going to happen if they verify or not. But in the situation you've asked them to verify that there's data in the system so that the IEP team can make the decision to go forward.

>> MATT COHEN: Well, you're familiar with the federal regulations involving the IEP decision-making process; correct?

>> ELIZABETH KEENAN: What parts of it?

>> MATT COHEN: The process that requires the IEP itself to make

decisions rather than for the decisions to be made outside of the IEP team or --

>> JENNIFER SMITH: The question now is turning into argument and not a question. He's -- he's implying that she doesn't understand law and he's opining and what the law requires. That's not a fact finding question.

>> NANCY KRENT: I don't -- I understand where you're trying to go with this, Mr. Cohen. But if you're asking her does she understand what the law is, I'm not sure that's helpful. I think she's going to tell you what she does and what she doesn't do.

>> MATT COHEN: Okay. To be clear though when a student presents even with a severe emotional or behavioral problem that has less than the requisite data in the system requires, the decision would be made that they can't get the service; correct?

>> ELIZABETH KEENAN: The decision would be made by the IEP team. If there's data in the system to verify it, they do have students that go to separate day school or a 9 to 5 days.

>> MATT COHEN: How does that occur if there's no five day, five days of data are required for that to happen.

>> ELIZABETH KEENAN: I was talking about separate day school. That you were mentioning, five weeks of data.

>> MATT COHEN: Right.

>> ELIZABETH KEENAN: And that we -- the teams can make that decision to go forward to a separate day school without five days.

>> MATT COHEN: Where does it say that in the guidelines.

>> ELIZABETH KEENAN: I think I testified before that in terms of the five weeks of data, that it is a best practice and we want to make sure that that we're following that.

Now, they've already talked about it from the inquiry team about verifying that language in there. But that's what we said was the best practice.

>> MATT COHEN: I want to just understand. First of all when you talk about best practice, that's is something that is aspirational, not something that's required?

>> ELIZABETH KEENAN: Best practice is when we looked at the -- the language when they were talking about it earlier, that the language in our procedural manual does say it's required or the frequently asked questions. But we were -- I'm taking that as it's a best practice. So that there are students who are going to separate day programming in CPS that don't have the five weeks of data.

>> MATT COHEN: I am I'm sorry so are you telling me that's what in the guideline is actually not the policy?

>> ELIZABETH KEENAN: The guideline is the policy right now.

>> MATT COHEN: And you're thinking about what's best practice, has that been communicated to the team, 630 Chicago Public Schools.

>> ELIZABETH KEENAN: Best practice is through -- working and having a discussion on that.

>> MATT COHEN: And turning to CPS document 671.

We could have someone sitting there if you refer prefer. The so actually I think that -- this is the CPS policy, February 2018.

>> NANCY KRENT: Is there a question about it?

>> MATT COHEN: Yeah, I'm just trying to identify the document. Starting on 670, that's the section that relate to separate data to separate schools, do you see that?

>> ELIZABETH KEENAN: Uh-huh.

>> MATT COHEN: And on Page 671 it identifies highly intensive behavior that must be identified in order to support placement in therapeutic setting and that it significantly differs from that of peers; correct?

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: And then it says under guideline 3 tiered supported interventions implement the without success that there must be documentation that there -- students teacher pursuant to MTSS, or IP progress monitoring, school teacher -- consistency without improved behavior, consented to do an FDA or update the BIP, convene an IEP meeting to update the BIP, and implement function based interventions and progress monitoring for five weeks, meet again and then implement for another five week, actually according to this procedure, the student would need to have ten weeks of services before there would be consideration of therapeutic day school; correct?

>> ELIZABETH KEENAN: The way it's written in here it says the five weeks and school team can reconvene to review progress monitoring data and make any necessary changes and additions to the interventions and behavior intervention plan and then minimum of another five weeks.

>> MATT COHEN: Then it goes on to say if an IEP team is considering whether student requires separate day residential needs other than behavioral, then it goes to guideline 1. But it says very clearly that with respect to the above procedures that following must be discussed and documented.

Correct? So it's not an option. Is it?

>> ELIZABETH KEENAN: That's our guidelines.

>> MATT COHEN: And when you refer to something as a guideline, does that mean it's binding on the team, on the staff.

>> ELIZABETH KEENAN: It's a recommendation that go forward.

>> MATT COHEN: It's a recommendation. Is there something else that they should look to other than the guideline to inform --

>> ELIZABETH KEENAN: That's the guideline I referred to earlier.

>> MATT COHEN: I'm sorry?

>> ELIZABETH KEENAN: It's a guideline recommended to go forward much these are the guidelines for our teachers and parents be able to see what the process is.

>> MATT COHEN: So they're not required to follow it.

>> ELIZABETH KEENAN: It's the guidelines for the teams to shall able to follow.

>> MATT COHEN: You're not answering my question. Are they required to follow these rules or not?

>> ELIZABETH KEENAN: The teams are --

>> JENNIFER SMITH: Ms. Krent, she's answered the question repeatedly.

>> NANCY KRENT: She hasn't given him an answer yet. The question was are the teams required to follow the manual or are they just recommended to follow the manual. Truthfully, I can't figure out what the answer is yet. It would be helpful to me to figure it out.

Can you answer the question --

>> ELIZABETH KEENAN: Yeah, I can answer the question again. Okay. With the procedural manual it is the guidelines that we are providing for all of our teams. That's what we're saying that these teams are to be able to follow.

>> NANCY KRENT: Let me see if I can clarify the I this the two of you are talking at cross purposes. Are teams required to follow -- I think his question is are teams required to follow the manual or is it just suggested that they follow the manual?

That's what the --

>> ELIZABETH KEENAN: The teams are required to follow the manual and there's circumstances if they're over and above that they can't do the five weeks they can have the behavior intervention plan they work with the district representative and we have unique circumstances, they are required to follow these pieces of it.

>> NANCY KRENT: Thank you.

>> MATT COHEN: So then is it correct that the SSM structure was developed to align with the guidelines.

>> ELIZABETH KEENAN: The SSM structure has been our IEP system for many years. So it was not developed just in a guide -- in terms of the guidelines. The SSM system is the CPS IEP system. And we update it as we update procedural manual. It's not always in tandem because there is a lag time and we testified earlier that because of the electronic system it takes a little longer to update it.

>> MATT COHEN: So the -- there may be circumstances where the SSM system has a requirement that is different than the guidelines.

>> ELIZABETH KEENAN: I don't know specific pieces of that right now.

>> MATT COHEN: Well, for example, you've said that you change the rules with respect to the date window for ESY, but the system says ESY is being denied if the data is being presented outside of the November to May date; correct?

>> ELIZABETH KEENAN: The decision to release the dates was a couple weeks ago so yes they're working on those pieces of it. It's the best that needs to be able to have the information in by May -- May 15th, when the deadline. But it's -- school can go forward much so the information is --

>> MATT COHEN: Even with respect to the situation with the SSM for ESY prior to your making that correction, a team that wanted to discuss ESY data in -- before November 15th or after May 10th would have been resulting in a drop down that said denied ESY even if the team wasn't actually decided if they were denying ESY; correct?

>> NANCY KRENT: I'm going to stop for one second, Mr. Cohen I need to let you know that you're 30 minutes in. All right. Go ahead. You were asking about the ESY.

>> MATT COHEN: Yeah. So if prior to your developing this adjustment team was presenting ESY data prior to the November date or after the May date, the SSM shows that ESY is being denied; correct?

>> ELIZABETH KEENAN: The ESY could be considered until after they had ten weeks of progression recruitment data and the window didn't open in the May -- November timeline.

>> MATT COHEN: The answer that's being rented to when ESY is denied isn't accurate for all -- it hasn't been denied, it hasn't been resolved.

>> ELIZABETH KEENAN: It hasn't been discussed.

>> MATT COHEN: So the answer is incorrect.

>> ELIZABETH KEENAN: I don't know your question.

>> MATT COHEN: ESY is the drop down.

>> ELIZABETH KEENAN: I don't know if it says that at that point. I'm not sure, I can't...

>> MATT COHEN: Now let's shift to discussion of the criteria for LD for a moment. And you indicated that there's some requirement for MTSS services consisting of five weeks of data and then five more weeks of data rather than a ten-week block; correct?

>> ELIZABETH KEENAN: I think the language is two 5-week consecutive interventions or two five week interventions.

>> MATT COHEN: And to your knowledge there isn't any specific guidance from OSEP that says that ten weeks of MTSS data is necessary to make a determination that appropriate intervention has been tried and failed, is there.

>> ELIZABETH KEENAN: No, but they do recommend that you have data to be able to substantiate.

>> MATT COHEN: But not ten weeks.

>> ELIZABETH KEENAN: I've testified to that before, yes.

>> MATT COHEN: And so what would happen if a student comes to the IEP team, comes to the school and they have three years of private psychological testing indicating that the student has average intelligence but substantially below average achievement in a variety of academic areas? But they don't have ten weeks of MTSS data? And that information is presented to the school in the end of April or beginning of May of the school year?

>> JENNIFER SMITH: I don't think there's a question.

>> MATT COHEN: I said what would happen.

>> NANCY KRENT: Sorry, we missed that.

>> ELIZABETH KEENAN: Yeah. Can you repeat that again?

>> MATT COHEN: Sure. What would happen if a student presents to the school and to the IEP team requesting services for learning disability, based on three years of --

>> ELIZABETH KEENAN: For an evaluation? Requesting an evaluation?

>> MATT COHEN: Requesting special ed services.

>> ELIZABETH KEENAN: Okay.

>> MATT COHEN: And they've got three years of evaluation data from private clinicians that they have not started MTSS until April or May.

>> ELIZABETH KEENAN: So the student would have to be -- we've have to provide the interventions in our CPS system. They can take into consideration outside information but the team that can review that and -- but they still have to require to be able to provide the interventions for CPS.

>> MATT COHEN: So that would require if there's requirement of ten weeks of intervention with a week in between that would take them well into the fall of the fall -- year; correct?

>> ELIZABETH KEENAN: In that timeline, in that typical timeline, yes.

>> MATT COHEN: You said with respect to the transportation issue that you needed the district representative to be involved in transportation decision, I think you said to make sure that the bus company was aware of the IEP team decision? Is that right?

>> ELIZABETH KEENAN: I said so that the -- in certain case, not in all, that the district representative is involved in verification but also to make sure that we were bussing up the students and that they're aware that the student is going to be going to a charter school, that we're making sure that the transportation system is making sure that they're getting that ready to go.

>> MATT COHEN: Why is it necessary for district representative to do



that?

>> ELIZABETH KEENAN: Because they're overseeing the IEPs, so if there's an IEP and ODL is responsible for that IEP, we want to make sure that the transportation is being, you know, that the student we call bus stops, that we are making sure that the student bus stop --

>> MATT COHEN: Why couldn't a case manager do that?

>> ELIZABETH KEENAN: The case managers do in some cases, but then also the -- it's a given the awareness to that -- to the district representative.

>> MATT COHEN: And what are the criteria that would be used that the district -- strike that. Again with respect to the issue of what the district representative does, are they just verifying that there is data to support the need for transportation, or they making a qualitative decision about the basis for transportation?

>> ELIZABETH KEENAN: Well I think in most cases they're just verifying that the student meet the criteria and the team lets them know and the student -- the -- they say you may move forward, go forward with the --

>> MATT COHEN: So when you say whether the student meets criteria that means they are making a qualitative decision about when they need transportation.

>> ELIZABETH KEENAN: They're verifying there's information this the system.

>> MATT COHEN: Again just that the data is there, not making a judgment as to quality.

>> ELIZABETH KEENAN: They're verifying that the criteria is being met with what area it is. And they're only involved within transportation with the special circumstances. So typical transportation for Special Education the district rep is not required to be a part of that.

>> MATT COHEN: Going back to the issue of the decision making with respect to the therapeutic day school placement or a one to one aide for behavior, how is the district rep determine that the days on which data is collected are the days in which the behavior is present?

>> ELIZABETH KEENAN: They don't determine that.

>> MATT COHEN: So it would be possible to have five days of data that either don't reflect the existence of behavior in which case it would be understating the problem or five days of data that are the only days of behavior, in which case it would be implying the problem was consistent when it's actually not; isn't that right?

>> ELIZABETH KEENAN: Yeah, I'm not -- agreeing with that. I'm stating that they are verifying that the data is in there.

>> MATT COHEN: And so then assuming that all they're doing is verifying but it still felt that that's important, given what I just said, to wit, that you could have five days of data that miss the problem behavior or five days of data that focus on the problem that are not actually representative, how is it decided that five days of behavior is adequate for purposes of one to one aide.

>> ELIZABETH KEENAN: The five days of data gives the IEP team the information about where they need the parapro and then they can make the determination in what areas for behavior supports and/or academic supports.

>> MATT COHEN: The IEP team has been working with the student already so they already have an idea of what the student needs don't

they.

>> ELIZABETH KEENAN: And the documentation -- parents are a part of this IEP process too --

>> MATT COHEN: I'm not asking about parents now.

>> ELIZABETH KEENAN: You're asking about the IEP process.

>> MATT COHEN: About the issue of documentation.

>> ELIZABETH KEENAN: That's part of the IEP process. And so parents are a part of that IEP process. So they have a right to be able to be informed about when you placing paraprofessional supports, especially a dedicated aide, where do they need it --

>> MATT COHEN: This is not responsive to my question.

>> NANCY KRENT: All right. Why don't you rephrase -- ask your question again.

>> MATT COHEN: My question is specifically related to the issue of number of days of data, has nothing to do with parent parse pace.

>> NANCY KRENT: Dr. Keenan, if I understand the question, the question is because there's possibility that five days of data collection could miss the problem, if the problem didn't appear in those particular five days or if it overstated the problem if it only appeared on those five days, why is five days the number.

Is that a fair --

>> MATT COHEN: Yes, exactly.

>> ELIZABETH KEENAN: The five days was a documentation that we felt that was reasonable enough for the teams to be able to use in making the determination of where the student needed -- required the supports.

>> MATT COHEN: Do you have any research to support that five days of data is appropriate to make those decisions.

>> ELIZABETH KEENAN: We are just taking five points of data.

>> MATT COHEN: Do you have any research to support that five weeks of data is appropriate to support the need for a therapeutic day school program.

>> ELIZABETH KEENAN: The five weeks of data, I don't know -- I wasn't a part of that decision on the five weeks of time.

>> MATT COHEN: So you don't know if there's research?

>> ELIZABETH KEENAN: I was not a part of that research -- if they researched it or not.

>> MATT COHEN: But you continue to support that rule, correct?

>> ELIZABETH KEENAN: There's research around interventions and how to provide it and whether it's academic or behavioral, there's research around -- there was a time frame to be able to give enough time to be able to allow for the inventions as I testified earlier.

>> MATT COHEN: But you don't know if research that specifically supports the need of five weeks of data, do you?

>> ELIZABETH KEENAN: And I specified to that, that they recommend a range of timelines for that.

>> MATT COHEN: Talking about the issue of ESY. If a student -- and I think Ms. Krent asked this question. I'm going to revisit it. If the student is in ESY the prior year, the purpose that have is to avoid regression, correct?

>> ELIZABETH KEENAN: Can you restate the question and then -- I am a he not understanding.

>> MATT COHEN: When a student is in ESY, one of the purposes of that being provided is so the student will not regress when the next school year starts; correct?

>> ELIZABETH KEENAN: When the student -- ESY is to be able to hold over so the student doesn't lose all the information that they gained on their goals prior to leaving at the end of the school year.

>> MATT COHEN: And that's six weeks or less of service provided over a 12 week roughly summer period; correct?

>> ELIZABETH KEENAN: Our ESY goes from four to six weeks.

>> MATT COHEN: Yeah and then the other breaks that would occur would be two weeks that winter break and a week at spring break; correct?

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: And the current requirement is that there has to be 30 days of data indicating regression, shall correct?

>> ELIZABETH KEENAN: At the beginning of the year.

>> MATT COHEN: So given Ms. Krent's question, how if the ESY has been affected we wouldn't be expect to see much regression; correct?

>> ELIZABETH KEENAN: I don't think that that's determined. It's based on an individual basis. So if students -- or depends on how they're progressing. ESY is to be able to help support them over the summer. And to be able to kind of hopefully get them to -- so they don't have as much regression.

>> MATT COHEN: So the only basis in which you would have 30 days of data of ESY supporting the next school year would be in the ESY had not been successful in maintaining the students funding over the prior year; that's right?

>> ELIZABETH KEENAN: That is not --

>> MATT COHEN: You're saying you're going to take 30 days of data and if the ESY was effective the 30 days wouldn't be as likely.

>> ELIZABETH KEENAN: Recommending 30 days of being able to collect data. So when I testified earlier that the ESY we're going to not have the current model being followed with the opening it up in November and then the ten day, ten weeks of data. So we're --

>> MATT COHEN: That has been the way it's been, correct?

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: And the way it's been, date that's open in middle of November is more than 30 days after the child returns to school; isn't that right?

>> ELIZABETH KEENAN: Yes. Exactly.

>> MATT COHEN: And then you need 30 days of data, the only date that a that woo he would have to look at because we're looking at the summer, more than 30 days later would be based on two weeks of regression in the winter, one week of regression in the spring; correct.

>> ELIZABETH KEENAN: No, it's typically when the student's timeline is. So after the summer, after the summer that process and then over at the winter break depending on line -- how long it takes the student to recoup where they were prior to the break.

>> MATT COHEN: You're not going to start that -- or it hasn't been started until mid November.

>> ELIZABETH KEENAN: The -- the discussion around ESY starts then.

>> MATT COHEN: Yes. And so the data that would be looked at would be data from the start of school in late August, early September all the way to middle November is more than 30 day; correct?

>> ELIZABETH KEENAN: I testified to that, yes.

>> MATT COHEN: And if a student moved into the district in May, who had ESY in their prior school system, what would happen.

>> ELIZABETH KEENAN: That would probably go under the special circumstances category. If the student required it.

>> MATT COHEN: And so they could get it without data.

>> ELIZABETH KEENAN: Under the special circumstances.

>> MATT COHEN: So you would trust that another school district to offer even though you didn't have data about it.

>> ELIZABETH KEENAN: I don't know how they process that piece of it, but we -- the teams would be able to look at it and discuss it. If they needed it and they recommended it, they could go through the special circumstances.

>> MATT COHEN: If the student hadn't been in the district they wouldn't have any way to independently decide if they need it, would they.

>> ELIZABETH KEENAN: If the team wants to look at it and determine it based on a previous IEP they can go through with it as far as special circumstances.

>> MATT COHEN: If they could do that for a child who moves in why wouldn't they do that based on ESY provided the prior summer for a student who was in the school all year long.

>> ELIZABETH KEENAN: I think we are I testified that we're looking at opening up in a window and we testified that would be allow for the teams to put in their information. Without having to look at the ten weeks.

>> MATT COHEN: You also testified I think in relation to the issue of a student being at a critical stage of development, which is a slightly different criteria than the regression recruitment criterion. That there was a drop down to assess whether there was a loss of applicable academic schools; correct?

>> ELIZABETH KEENAN: Correct. That's what --

>> MATT COHEN: What is -- what is the procedure for developing or is there any procedure for considering a loss of critical skills in relation to a child's behavioral and emotional function?

>> ELIZABETH KEENAN: When we look at critical skills area, when you -- if the students are progressing and then the team decides that the students in their progression is -- you affect if they don't participate in ESY continuum in that growth, then the teams can make that decision over --

>> MATT COHEN: What I'm trying to understand, I don't think your question addresses, the critical skills area focuses on academics and doesn't allow for consideration of loss of critical skills or opportunity to maintain critical skills for other skill areas like social, emotional or activities of daily living; right?

>> ELIZABETH KEENAN: When we -- when I testified earlier, they look at other things. Most students in the critical skills area are -- the students that are in cluster program, this he might be progressing in terms of how they're feeding, they might be progressing in terms of how they're physical therapy or the supports. So we look at the critical skills in terms of how the student is progressing and if they -- that this is a critical skill for them, then they would -- the team would decide they need to go for ESY.

>> MATT COHEN: What's a definition of critical skills?

>> ELIZABETH KEENAN: I don't know -- I don't know it offhand.

>> MATT COHEN: Okay so are you saying that critical skills are only relevant or predominantly relevant for kids in cluster programs.

>> ELIZABETH KEENAN: That's generally where we would look at that category. Qualified in that area.

>> MATT COHEN: How do you make the decision if you generally look at critical skills for kids in cluster programs.

>> ELIZABETH KEENAN: I used that as an example.

>> MATT COHEN: You said generally, so that means most of the time.

>> ELIZABETH KEENAN: Most of our students in the IEP process in CPS who identified in the critical skills are in the cluster programs.

>> MATT COHEN: Should we conclude from that that kids who have severe regulatory disorders, cognitive functions problems, severe social skill deficits, that those are not critical skills that would include ESY.

>> ELIZABETH KEENAN: I'm not in those IEP meetings, I'm not making that determination.

>> MATT COHEN: You're the person responsible for setting policy for those IEP teams correct.

>> ELIZABETH KEENAN: Over the procedure, yes.

>> MATT COHEN: If I understand what you're saying your understanding of critical skills applies to cluster programs but doesn't --

>> ELIZABETH KEENAN: I did not state that. I stated that the general population that is under critical skills currently that in our data shows cluster program students. I did not state the latter.

>> MATT COHEN: So it would be an example where there may not be a policy that says cluster programs but there is an operational practice that focuses that results in data being gathered for kids in one program and not being gathered for kids with needs in another program. Would that be fair.

>> ELIZABETH KEENAN: I'm not concluding that either way.

>> MATT COHEN: What guidance is provided to the IEP teams throughout CPS to indicate to them that they are allowed to identify critical skills areas as a basis for ESY in children who are not in cluster programs.

>> ELIZABETH KEENAN: I didn't say that they only were in cluster programs. Critical skills are identified in the procedural manual and the IEP teams are making a determination through the IEP team meetings.

>> MATT COHEN: Right, but if I remember correctly in the manual they're sided just in relation to academics. So my question is in terms of critical skills why wouldn't you also be looking for critical skills in relation to ADL, in relation to behavioral issues.

>> ELIZABETH KEENAN: Right now it's just identifying the way the language is now.

>> MATT COHEN: You talked about the fact that there is a process for appealing budget decisions that relate to staff that will be available at a particular school, correct.

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: Do you have data on how many of appeals are approved.

>> ELIZABETH KEENAN: I don't have it in front of me right now.

>> MATT COHEN: Do you know approximately.

>> ELIZABETH KEENAN: I don't know.

>> MATT COHEN: Isn't it a fact that the majority of the cases on appeal are rejected?

>> ELIZABETH KEENAN: I cannot state that.

>> MATT COHEN: You also talked about the issue of vacancies I think in relation to teachers and related service providers, you mention that

CPS has added 65 teachers this year; correct?

>> ELIZABETH KEENAN: Additional teachers, resources.

>> NANCY KRENT: Dr. Keenan, they need you to be closer to the microphone.

>> MATT COHEN: Those 65 teachers were not intended to take the place of slots that were already budgeted for but were vacant, correct?

>> ELIZABETH KEENAN: No, they were additional funds to the budget.

>> MATT COHEN: To be clear if there were roughly 600 Chicago Public Schools, 65 teachers would work out to about 1 tenth of an FTE per school; is that correct?

>> ELIZABETH KEENAN: If you want to do the math that way.

>> MATT COHEN: My pint is that's not really helping most of the schools with 65 extra teachers.

>> ELIZABETH KEENAN: We looked at the needs and specified with EL students and particularly with response to -- as I testified earlier in my open statement and looked at behavior health needs and some schools. We are -- there was 30 schools for the EL --

>> MATT COHEN: You're asking -- not answer the question. My question now is is it still the case that there is still a significant number of teaching positions that are vacant. Correct?

>> ELIZABETH KEENAN: There's less -- there's less vacancies this year than prior years. I testified that there's currently just under 95 vacancies.

>> MATT COHEN: 195?

>> ELIZABETH KEENAN: Uh-huh.

>> MATT COHEN: How many vacancies for paraprofessional.

>> ELIZABETH KEENAN: I testified earlier 147.

>> MATT COHEN: When students are not getting services because of a vacancy, what's the process?

>> ELIZABETH KEENAN: We work with the schools to be able to help support them to make sure they're prioritizing IEP minutes and be able to schedule appropriately. We also encourage substitute teachers until they can fill those bank is is.

>> MATT COHEN: Does the SSM program have a component for compensatory education?

>> ELIZABETH KEENAN: I can't speak to that.

>> MATT COHEN: Does the SSM program have a component for notes in.

>> ELIZABETH KEENAN: I think we talked Mr. There was a note portion on the front but I don't know what the role is on that.

>> MATT COHEN: You don't know what the role is of the --

>> ELIZABETH KEENAN: I don't know how it plays within the SSM system.

>> MATT COHEN: Do you know whether notes are routinely shared with parents as part of the team's documentation of the meeting.

>> ELIZABETH KEENAN: I am not part of the IEP center --

>> MATT COHEN: Have you been to any IEP meetings in Chicago.

>> ELIZABETH KEENAN: I have not sat in one.

>> MATT COHEN: Prior to this inquiry being started, have you ever gone through the SSM process.

>> ELIZABETH KEENAN: Oh, yeah, I've seen -- they have weekly meetings.

>> MATT COHEN: You have -- and with respect to the paraprofessionals, you -- you said that there -- was a significant reduction in the number of minutes of service for paraprofessionals.

If I understood correctly you said part of the explanation for that was that you could change how you counted the aides who were assigned to cluster classrooms; correct?

>> ELIZABETH KEENAN: I stated that the reduction -- it looked like the minutes were affected because when we looked at the cluster programs because we provided two for the mild-moderate and three for the severe-profound the teachers did not have to put in the actual minutes into the SSM on the IEPs. That the teachers only -- in the cluster programs had to put minutes in terms of the students that require ultimate levels.

>> MATT COHEN: So we're clear as an aside if a child was in a cluster program and the aide was not listed on their IEP --

>> ELIZABETH KEENAN: It states in SSM that because the student is part of a cluster program, that the paraprofessional supports are being provided in the program.

>> MATT COHEN: It says that --

>> ELIZABETH KEENAN: I think it states that in there.

>> MATT COHEN: If a student moved to another district, though, there would be no way to no whether they needed a share date or not, if you're in a cluster --

>> ELIZABETH KEENAN: It would state on the IEP that the student is part of a cluster program.

>> MATT COHEN: But wouldn't say whether they need a shared aide.

>> ELIZABETH KEENAN: It would say that they have programs, para is in there.

>> MATT COHEN: It wouldn't accurately reflect whether that person needed an aide or not; correct?

>> ELIZABETH KEENAN: They would not accurately reflect the actual minutes but that they did require some paraprofessional supports.

>> MATT COHEN: Is it correct that there are about 300 cluster classrooms in Chicago.

>> ELIZABETH KEENAN: Roughly around there.

>> MATT COHEN: If there are two or three aides per cluster classroom, and you multiply that by 2,000 minutes, what I came out that would reflect about a million to a million and a half minutes, more or less. Even two million minutes. The drop in minutes was 7 of them. My question for you is what have you done to investigate that drop in minutes other than make an assumption that the change in cluster minutes explains why the mines dropped?

>> ELIZABETH KEENAN: We looked at in terms of the cluster program, students that had minutes and then students who were not mentioned to be a part of the cluster programs.

>> MATT COHEN: I'm asking other than the cluster programs what have you done to review the drop this paraprofessional minutes to determine that that drop in mines is based on a reduction in need rather than some other factor?

>> ELIZABETH KEENAN: I can't speak to what other factor that would be. We looked in terms of making sure there were providing case managers with the appropriate supporting surrounding. We looked at the -- and as I verified before, that we have not seen a drop in the actual number of paraprofessionals. In our system.

>> MATT COHEN: Well, that could be because they're being allocated differently correct but that doesn't account for the drop in minutes of services.

>> ELIZABETH KEENAN: Still means we have the same amount of paraprofessional that are providing supports to student.

>> MATT COHEN: Did you or anyone at CPS go back and do a qualitative review in the drop in Paragraph supports to see if the decision-making process was problem mat particular which is exactly what this inquiry is about?

>> ELIZABETH KEENAN: We did not go into the qualitative pieces around that.

>> MATT COHEN: There's also an indication that the number of minutes of many related services fell from 2015-16, 16-17, 17-18, correct?

>> ELIZABETH KEENAN: When we looked at that, yep. That was part of the discussions previous to testimony.

>> MATT COHEN: And what is your understanding -- or why is it that related services minutes fell for virtually every category for --

>> ELIZABETH KEENAN: I can't specify the certainties around that.

>> MATT COHEN: There has been evidence presented in the form of affidavits and I think at least one due process decision indicates that students are being assigned 11 minutes of social work service. Is there any protocol or formula or directive that social work mines should be assigned for students at a rate of 11 minutes per week.

>> ELIZABETH KEENAN: No.

>> MATT COHEN: Is there any way to explain why different schools would be assigning 11 mines of social work service per week.

>> ELIZABETH KEENAN: I don't know.

>> MATT COHEN: Is it your understanding that staff are being directed to assign 11 minutes per week?

>> ELIZABETH KEENAN: No.

>> MATT COHEN: And you don't know why the overall reduction in social work services occurred.

>> ELIZABETH KEENAN: There's some complexities around it, but I don't have all of the information right now.

>> MATT COHEN: You also -- we -- looping back to the issue of therapeutic school again and I apologize for bouncing around a bit. In fact and fairness I think members of panel did as well. So...just in my own defense.

The issue of therapeutic school decisions includes a requirement that there be an FBA and a BIP; correct?

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: How would you do an FBA and a BIP for a student returning to the community from a he is are deposition program.

>> ELIZABETH KEENAN: So you're talking about separate program, what are you talking about?

>> MATT COHEN: If the student has been in a more restrictive program and they're now returning to the community it.

>> ELIZABETH KEENAN: They would go back to the community school?

>> MATT COHEN: I'm asking because they might go back to their community school or might need a therapeutic day school. The question is how would you determine that if they haven't been in Chicago to do a functional analysis assessment.

>> ELIZABETH KEENAN: They would work with the residential school to determine what the appropriate placement would be and have data to be able to support if the student is ready to go back to the regular school in that environment or into a day school --

>> MATT COHEN: You're saying the CPS would accept the recommendation



of a therapeutic --

>> ELIZABETH KEENAN: We have several residential programs we work with. We're aware of what their programming looks like.

>> MATT COHEN: What if the student was placed somewhere and it wasn't one of your preferred programs.

>> ELIZABETH KEENAN: We have to take that into took into consideration.

>> MATT COHEN: What if there wasn't a functional analysis or BIP prior to --

>> ELIZABETH KEENAN: Most students we look at the data and make a determination. Work with that team -- with that agency. But most students would be -- we would not directly assign them to the separate day program we would look at having them assigned to a regular school.

>> NANCY KRENT: 50 minutes.

>> MATT COHEN: What would you do if a student had an acute psychiatric break down having been in a Chicago Public School and was hospitalized without having had a behavior plan in place prior to hospitalization?

>> ELIZABETH KEENAN: It's a hypothetical situation.

>> MATT COHEN: No, it happens all the time.

>> ELIZABETH KEENAN: It's a hypothetical situation.

>> MATT COHEN: Your policies have to address situations that -- the purpose of standardization, what we're talking about now are situations that are not standard. So the question is what do you do when a situation happens that doesn't allow for the standard application of your policy --

>> ELIZABETH KEENAN: And they work through the IEP process.

>> MATT COHEN: They would have to go back into the public school without an intervening --

>> ELIZABETH KEENAN: There's no right or wrong around this. This is working through the IEP process.

>> MATT COHEN: What -- when you say you have to work through the IEP process, the IEP process requires these steps. So if the IEP process requires these step, how do you solve the problem for a student who has not satisfied these steps?

>> ELIZABETH KEENAN: I'm losing your train of thought.

>> MATT COHEN: The IEP -- you said you have to work through the IEP process.

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: And you agree that the IEP process requires that there be an FPA and a BIP, correct.

>> ELIZABETH KEENAN: Or go to a separate day program.

>> MATT COHEN: Now my question is rather than coming from an out of district residence, student is coming from a psychiatric hospital, after an acute break down. And the recommendation is for therapeutic day. They have not been in a CPS behavioral program, they have not had an FBA, not had a BIP, you're working through the IEP process, how was that going to be accomplished if they have to go through those steps first?

>> ELIZABETH KEENAN: As I mentioned before we would look at the information from that outside program to make a determination of where the student would go through. That would be part of the IEP process to make sure that we know we're not just predetermining that the student doesn't have a right to go to a general -- to a public school system.

>> MATT COHEN: I believe you testified that with respect to the LD decision, SSM would not allow you to finalize the IEP for the presumably eligibility decision with the IEP if the SSM did not have a record of ten weeks of data; is that correct?

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: So that's a block, correct.

>> ELIZABETH KEENAN: It's not a block. It's the -- we're looking at it and making sure that there's a data in there. That is something that we're looking at making sure that the teams can also look at outside of the five weeks that they can make that determination.

>> MATT COHEN: You're talking about what you're looking at. That's different from the way it works right now. My question is right now according to your testimony, SSM will not allow you to make the eligibility decision of LD.

>> ELIZABETH KEENAN: Right.

>> MATT COHEN: That is a block; right?

>> ELIZABETH KEENAN: Doesn't allow you to make a recommendation or qualification, correct.

>> MATT COHEN: You provided in your affidavit a statement -- I'm shifting out and I don't think there's been any discussion on this yet but I don't want it to be forgotten, shifting out of the issue of assistive technology and augmented communication. You said there is no data requirement with respect to requiring that school data be exhausted or school technology be exhausted before a child is referred for assistive technology evaluation; is that right?

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: In fact in the protocol -- in the policy that you developed, what it says, if you want to look, is that --

>> ELIZABETH KEENAN: What page is it?

>> MATT COHEN: It's CPS 109.

>> NICKI BAZER: Which manual is that? As far as the guidance?

>> MATT COHEN: February 2018 guidance. 109. Are you there?

>> ELIZABETH KEENAN: Yes.

>> MATT COHEN: So this is the policy in force; correct?

>> ELIZABETH KEENAN: This is the current policy.

>> MATT COHEN: Under the section that starts at the meeting, an IEP meeting, under section 5 it says if the data reflects the need for AT/AAC based on the guidelines and the student has current access to AT/AC at their school program, the IEP team considers whether the student completes relevant tasks in a shorter period of time or the student ate performance improved with AT assistive tech, you see that; right?

>> ELIZABETH KEENAN: Correct. Yes.

>> MATT COHEN: And then under A it says if yes, the student continues with access to the same AT or AAC.

>> ELIZABETH KEENAN: Yes.

>> MATT COHEN: So that's saying that if the data is that the student has completed tasks in a shorter period of time than without the technology or performance is improved with the school's technology that you don't go on to an evaluation, correct?

>> ELIZABETH KEENAN: Yes.

>> MATT COHEN: So that's a data requirement, isn't it?

>> ELIZABETH KEENAN: Yeah, it says data.

>> MATT COHEN: So you testified that there was no data requirement

before requesting an evaluation, but this is a data requirement, isn't it?

>> ELIZABETH KEENAN: If the data collected reflects the need.

>> MATT COHEN: Right. If the data reflects the need and the basis for not doing the evaluation is that the student has done something in a shorter period of time, or improved. Without regard to whether that shorter time or improvement is sufficient for them to make adequate progress or meets their goal; correct?

>> ELIZABETH KEENAN: Say that again?

>> MATT COHEN: I'll give you an example. Let's say that a student can't hand write but they can manipulate keyboards. And so they can use the manual typewriter to type during -- they can do better than they would do with handwriting because they can't do handwriting at all. This would say because it's improvement over bait-like line they wouldn't get an assistive tech evaluation; right?

>> ELIZABETH KEENAN: It states if a student continues with the access at the same -- they don't knee to go --

>> MATT COHEN: What's provided at the local school allows for improvement in speed or some progress that you don't go on with an evaluation without regard to whether additional performance is appropriate or needed for that student, correct.

>> ELIZABETH KEENAN: Its -- it states that.

>> MATT COHEN: So this is setting an arbitrary barrier to getting an assistive technology evaluation based on the fact that the student had access to some technology which provided some benefit even if it's not what's appropriate, correct.

>> ELIZABETH KEENAN: However, the parent requested assistive technology evaluation, we could go forward with that.

>> MATT COHEN: Could, but not according to these guidelines.

>> ELIZABETH KEENAN: If the parent requested the evaluation we follow through with what the parent questions.

>> MATT COHEN: If the team is reading this, they're not hearing you going forward with this. And they're not hearing --

>> ELIZABETH KEENAN: In earlier parts the parent piece and it talks about a parent requesting an evaluation, that the team can go forward with those pieces. This is specific to a current device that the students -- that the team is saying that the student is progressing, the student doesn't need to go any further.

>> MATT COHEN: And you -- would you base decisions on what a student needs based on their making some progress or having challenging goals that allow them to make more than just minimal progress.

>> ELIZABETH KEENAN: It's based on the IEP team and the team decides.

>> MATT COHEN: The team has to decide on what level of progress the student is entitled to.

>> ELIZABETH KEENAN: That is their decision.

>> MATT COHEN: You talked about the issue of how many students were eligible for services in CPS; correct?

You said that there was -- sounded like a technical glitch that account for the drop of 10,000 students; correct?

>> ELIZABETH KEENAN: I don't remember specific amount of it, but it was off the score card that's ISBE and based on the last year, just --

>> MATT COHEN: 10,000 person drop would be about 20 percent, correct.

>> ELIZABETH KEENAN: I --

>> MATT COHEN: Your numbers indicate that there was about a 2 percent drop.

>> ELIZABETH KEENAN: And our actual numbers and our students that we know we have in our system.

>> MATT COHEN: How are you verify.

>> ELIZABETH KEENAN: Through our SSM system through IEPs.

>> MATT COHEN: Current system has all sorts of things that we aren't necessarily understanding.

>> ELIZABETH KEENAN: Based on IEPs and I testified that that was based on an outside information that had to go through the -- at ISBE.

>> MATT COHEN: You stated that several times that very important to get information and data from the teachers because the teachers know the students best. Right?

>> ELIZABETH KEENAN: I did testify to that yes.

>> MATT COHEN: If the teachers know the students best why is it necessary to have the principal's or district representative's monitoring the review of the decisions of the team about what they think the student needs.

>> ELIZABETH KEENAN: Principals are a part of IEP team. And they should be part of the IEP team. They are the leaders of school.

>> MATT COHEN: Do principals attend all IEP meetings.

>> ELIZABETH KEENAN: Typically here in Chicago Public Schools case managers do.

>> MATT COHEN: So the answer is no.

>> ELIZABETH KEENAN: Typically. I'm not saying at all. Some do.

>> MATT COHEN: But the principals are in charge with reviewed or the district representatives reviewing all the --

>> ELIZABETH KEENAN: Just the verifications portions of each one of the -- yes. The.

>> MATT COHEN: You indicated that there are circumstances where the district representative can preapprove transportation decisions; correct?

>> ELIZABETH KEENAN: They verify and -- transportation.

>> MATT COHEN: Sorry?

>> ELIZABETH KEENAN: They verify.

>> MATT COHEN: Before the meeting.

>> ELIZABETH KEENAN: If the team reaches out to them saying they have the criteria and they say they verified it, the district rep says you have enough information to go forward.

>> MATT COHEN: How would the team know that they can ask the DR to do that in advance of the meeting.

>> ELIZABETH KEENAN: Through the case managers that they hold on a monthly basis.

>> MATT COHEN: They're all aware of that.

>> ELIZABETH KEENAN: Yeah, they hold those every month.

>> MATT COHEN: What if the parent felt the transportation was desirable and the team didn't.

>> ELIZABETH KEENAN: Well then the parent can bring it up at the IEP team meeting.

>> MATT COHEN: The district rep wouldn't be at the meeting.

>> ELIZABETH KEENAN: The team would have to decide if they needed it, if it's warranted. The parent is one part of the team.

>> MATT COHEN: Does the district rep approval have to be provided

only when the decision is to provide the service rather than to deny the service?

>> ELIZABETH KEENAN: The district rep is there to verify.

>> MATT COHEN: You said that there would be circumstances that you're going to look at with respect to paraprofessional where a narrative might be suitable instead of data? Is that right?

>> ELIZABETH KEENAN: The -- what I was talking to in regards to the paraprofessional is that the continuation of looking at the upload for the five days of data, but also streamlining it because there's three questions that are asked. So I didn't say that we're going to get rid of the data, I said that we're going to streamline the process to be able to make sure that they don't have -- the teachers don't have to keep putting in and filling out the text box for each area.

>> MATT COHEN: Now, you also talk about the aide and you said that it was really the documentation only needed to be with respect to setting, not to document with respect to each class; correct.

>> ELIZABETH KEENAN: What I realized when you I was talking through it and remembering it, we do have to -- there is the requirement then they have for the reading and the math because there's different areas that are need -- the student might need different academic support in math versus reading.

>> MATT COHEN: So you realized your prior testimony was incorrect.

>> ELIZABETH KEENAN: I corrected that earlier when I was talking to Mr. Cozzola.

>> MATT COHEN: I don't remember that.

>> ELIZABETH KEENAN: I do.

>> MATT COHEN: In the issue of academic classes and setting, there's also a requirement for data for noncore classes; correct?

>> ELIZABETH KEENAN: Correct.

>> MATT COHEN: And there's also a requirement for data for settings other than classes, correct.

>> ELIZABETH KEENAN: I said separate program research models.

>> MATT COHEN: And there's also a requirement for data for children outside of the classroom setting altogether correct.

>> ELIZABETH KEENAN: If it's like a resource or -- I mean at the playground or in the lunchroom.

>> MATT COHEN: Or hallway.

>> ELIZABETH KEENAN: Or hallway.

>> MATT COHEN: Each much those require separate did an at that --

>> ELIZABETH KEENAN: They require separate data pieces.

>> MATT COHEN: And there's also requirement for separate data gathering around behavior in addition to data for academic or daily living, correct.

>> ELIZABETH KEENAN: I think I talked about that.

>> MATT COHEN: Probably accurate to say yes or no Cohen.

>> ELIZABETH KEENAN: I think I'm okay with responding how I want to.

>> JENNIFER SMITH: Ms. Krent he cannot direct crept cent she previously said yes you collect for academic and yes for behavior.

>> MATT COHEN: With respect to each of those category, there are multiple questions for each category --

>> ELIZABETH KEENAN: That's what I testified --

>> MATT COHEN: At least let me finish the question.

>> NANCY KRENT: Go ahead, finish your question. Let her answer. I just want to remind you before we go forward that we are now at

another -- you have about 15 minutes left before we have to excuse this witness. Are you just about done?

Because I do want -- I would prefer if possible to let CPS -- we're going -- she has to stop at 2:45 but CPS has the right to ask her some questions.

>> MATT COHEN: Gotcha.

>> NANCY KRENT: If it's possible I would like to do that so we don't have to recall --

>> MATT COHEN: I would be -- I need a few minutes to review my note, so I'm not ready to say I'm done. Do you want us to stop, I can stop.

>> NANCY KRENT: Why don't we just stop for two minute, we'll pause the clock. We'll all pause. Ms. Bazer if you want to review your notes to make sure you can ask question, then we'll pick it back up.

(Pause).

>> MATT COHEN: I just have a few more questions. Sorry.

>> NANCY KRENT: It's all right. I'm going to take notes, Ms. Ramadurai will be right back.

>> MATT COHEN: Just a few more questions. You indicated that parents needed to know about these policies and procedure, correct.

>> ELIZABETH KEENAN: Uh-huh. Yes.

>> MATT COHEN: What steps are you aware of or have you put into place to a -- what steps have you taken or are you aware of to ensure the parents were aware of all of these documentation requirements and changes?

>> ELIZABETH KEENAN: When the current procedural manual is -- was released and we put it on the website and then I knew at that time that I was going to be providing the -- would be parent advisory council. We also have parent Universities which are regionally in every network and we do those once a month and we have brought in around the procedural manual letting them know those pieces of it. Also we have three parent involvement specialists that we've hired that as parents and IEPs and they can go through pieces around the procedural manual too for them.

>> MATT COHEN: Ms. Keenan -- Dr. Keenan would you agree that all of these documentation requirements are complicated for staff and parents?

>> ELIZABETH KEENAN: I think -- yep, that's why we're reaching out to them.

>> MATT COHEN: So prior to the February 2018 changes, are you aware of any effort by CPS to inform parents about how the December 2016 changes would affect the process.

>> ELIZABETH KEENAN: I wasn't here during that time when they were rolling ought those.

All those pieces out. They did not have parent engagement at that time. And I've said that clearly that this was one of my priority, so that's why we were making sure that we're communicating with our families now.

>> MATT COHEN: After you came on in June of 2016 -- 17 --

>> ELIZABETH KEENAN: July 2016.

>> MATT COHEN: July 2016, did you take any steps to provide any method nor parent involvement --

>> ELIZABETH KEENAN: It wasn't my role to be able to do that.

>> MATT COHEN: You're indicating steps you're considering one would be the website and advisory board.

>> ELIZABETH KEENAN: And the parent advisory boards.

>> MATT COHEN: Parent advisory board doesn't exist yet.

>> ELIZABETH KEENAN: It's going to be. There's going to be around 20 parents and we've been doing the parent Universities.

>> MATT COHEN: What steps are you going to take to ensure that the 50,000 families who are not on that advisory board and several thousand families who don't have access to a computer tan families who don't know there's been a policy change will find it on the website.

>> ELIZABETH KEENAN: We will do the continuing outreach, we're going to do special ed day in May, going to keep doing these periodically throughout the year.

>> MATT COHEN: But agree that given the confusion of the process it would be Hartford parents to have meaningful participation in the process whether they don't understand the policies that were in force from 2016 to the present.

>> ELIZABETH KEENAN: I would -- I can't speak to that piece of it.

>> MATT COHEN: Would you agree that the policies and procedures that put -- were put in force in December 2016 to the present instead of improving the operation of the system actually resulted in a breakdown in the ability of the system to make appropriate decisions for meaningful parent participation.

>> ELIZABETH KEENAN: I think in the testimony my opening staple I talked about how we made significant changes and were continuing to do that.

>> MATT COHEN: Has anything been put on the website from July of 2016 to the present to discuss these changes.

>> ELIZABETH KEENAN: To discuss what changes.

>> MATT COHEN: The policy changes.

>> ELIZABETH KEENAN: The procedural manual was posted on the website.

>> MATT COHEN: As a document, but anything to publicize that there were changes to the manual.

>> ELIZABETH KEENAN: That's what our meetings -- when we talk to the parents about the procedural manual at the CAP meetings and also having additional meetings throughout the year.

>> MATT COHEN: Proposed for the future.

>> ELIZABETH KEENAN: No, we started those in January.

>> MATT COHEN: Okay.

>> NANCY KRENT: Thank you.

>> NICKI BAZER: I'll try to be very brief.

>> NANCY KRENT: You're at one hour and 19 minutes. An official time keeper says 1:19. Ms. Bazer.

>> NICKI BAZER: Dr. Keenan I want to if you have on a couple things briefly. We talked a little bit about the involvement of the principal and a lot of the OLDL, district -- with the IEP team decisions, I want to turn to principals quickly. In some of the documents and some of the discussion that the advocates have committed, Kristy Brooks' affidavit, and she will be testifying today advocates page 3547 she refers to principals as outsiders, that's a quote.

Can you give us your thoughts on the role of principals in an IEP team and generally in the school building?

>> ELIZABETH KEENAN: Typically in my 22 years of being in education the principal has been an active participant in the IEP system. In CPS we have case manager role which has been enacted for I don't know how long but a unique role. Most school districts have an LEA who is a

principal. And most districts require the principals to participate and fully participate in the meetings. In the principal meetings that I've been holding since October they -- it's been really clear that principals are starting to want to be a part of these meetings more. And that they feel that they can be a part. And work hand in hand with the case managers much and that's what we want to continue to do to be able to allow this partnership. But principals typically you know I think that testimony was that they weren't a party of the process but now they're starting to engage in that.

>> NICKI BAZER: Do you think that they are in a good position to sort of think holistically about all the students at the school not just special ed.

>> ELIZABETH KEENAN: Absolutely. Uh-huh.

>> NICKI BAZER: Turning to the ODLSS rep, we've talked a lot about their role in reviewing data. But can you explain why it's important to have ODLSS reps involved with IEP teams, what do they bring to the table.

>> ELIZABETH KEENAN: They bring around the expertise -- all -- all of them have been special education teacher, they have the background. They're well versed in not only the IEP portion of it but also the program and understanding the vast needs around what's available to schools. And relation to the -- they though what's going on with the related service provider, transportation, navigating how to -- principals in the schools get correct information together for an appeal. They are -- they are not this -- the -- viewing of the vacation port of their day is very small.

And compared to what they're doing on a daily basis and supporting schools, training. And most districts are these roles which are kind of like coordinator for Special Education and it allows for the schools to shall able to have -- to be able to have somebody to bounce information off of. We often get requests because schools want them to participate in IEP meetings that are tough. And to be able to help them prepare for them. And to be able to make sure that they have right and correct data. And they also give us some valuable feedback in terms of how we can support our system and our teachers better.

How do we streamline some of the pieces. And like I said earlier, with the SSM system, how do we make shoo you are that is a system that teachers can use that is a live document that is a part of what they do each day and not just something to fill out.

>> NICKI BAZER: I know we can spin hypotheticals of circumstances but as head of ODLSS do you have any information anecdotal or otherwise that the involvement either principals or ODLSS reps is leading to asystemic delay or denial of services in the system.

>> ELIZABETH KEENAN: No, it is not. Both of these roles are typical roles in other districts, these are typical people that are not -- should be outside of the IEP process.

>> NICKI BAZER: I want to turn to data briefly. We talked about the role of data and some specific data information that has to -- that is part of this process. But can you talk generally about what kind of data, using that term broadly, IEP teams consider during -- make decisions.

>> ELIZABETH KEENAN: Data is very important in an IEP meeting. And if you look at IDEA, the recommendations that you know teams have to be informed. And people coming to -- around the table we have different



teachers, we have different related service providers, we have some times outside advocates or parents. And agencies that the data has to be able to drive what the decisions are being made at the table. For any student.

And as a teacher, that was very valuable for me to be able to tell the parent where the student is progressing. It's not just about what services that we, you know, we're making sure they're having on the IEP but it's also about how students are progressing on the IEP and their goals.

And to me it's like how do we provide academic data, how do we show data that students are progressing on supports in the Gen Ed classroom, in the resource room. When paraprofessionals supports are required how do we make sure that we're documenting that but also making sure that the student is also becoming more and more independent. So I want to make sure that data is something that we have to look at as a positive piece of the IEP process.

>> NICKI BAZER: And have you discovered or discussed principals been trained on data -- on this data requirement?

>> ELIZABETH KEENAN: Yes. I mean, I know that you know we continue to look at -- we had a -- all -- last summer -- every summer, the principals have a principal institute. We have different sessions there for principals as the Special Education leader and we have different information for principals there. We also do the case management and now with the change in the role of case manager more principals are attending sop of those case management meetings because they're taking on that role as the case manager.

>> NICKI BAZER: In your discussions and reviews with principals have you seen etched of systemic basis that principals are using data collection as a means to prevent students getting services.

>> ELIZABETH KEENAN: I do not even hear that above it -- about that at all.

>> NICKI BAZER: Have you instructed a principal or other to use data in this manner.

>> ELIZABETH KEENAN: No.

>> NICKI BAZER: Is this the way it's described in the procedural manual?

>> ELIZABETH KEENAN: No. And we talked a little bit about budget. But I don't want to get into -- I know Mr. Volan will talk about budget more.

>> NICKI BAZER: You talked about principals. Have you seen principals attempting to write IEPs driven only on the staff that they have in the building rather than what the team meet -- the student -- IEP team identifies as the student needs.

>> ELIZABETH KEENAN: I haven't seen principals -- and the ones that I have been leading which is probably close to about 90 principals, 90 to 100 principal, they never talk about it in that terminology. They talk about it, how do we make sure we have supports?

I do -- I do agree that we have to make sure that we're letting schools know, because some of the changes that we have to make sure that the process with the appeals, and the appeals process going forward, which both art ya and Greg Bowen will talk about more. It is going to be much more streamlined and it will allow for schools to be able to request for supports in a faster manner. Because we know that we -- we grow over 100 paraprofessionals from beginning to end of year.

We know we have to have that in our system.

>> NICKI BAZER: And you had started to touch on at some point and what we are -- weren't given the time to continue. But can you talk about the impact of data on a parent's involvement in the IEP team?

>> ELIZABETH KEENAN: It's important to put the parents to know and how the progress is being made. And they can give information about how the student is doing outside of school, does it mimic or look like the data that we're seeing in school.

So I think that the parents are an important piece of that data process. I would say as a parent, I would want to be knowing how are my -- it's no different than a Gen Ed student going to teacher conferences, you want to know how your student's progressing and you want to be able to state it in a way that shows that there's growth.

>> NICKI BAZER: I want to clean up two quick piece, I know we're at 2:45. We talked a lot about of data, the MTSS data, that two five-week periods, school districts have 630 days to conduct an evaluation and that MTSS data can be collected during that time.

>> ELIZABETH KEENAN: Absolutely.

>> NICKI BAZER: Last thing I wanted to make a correction, if you look at the CPS documents 682, this was on the critical skills piece. I I'm not going to have you do it because I know we're in somewhat of a Rush here. Critical skills make clear, contrary to Mr. Cohen's recollection, that it is available for academic, self-sufficiency or -- you could have the ESY for all of those.

>> ELIZABETH KEENAN: Yeah.

>> NICKI BAZER: Given the time I have nothing further.

>> NANCY KRENT: Thank you. I appreciate both of you being flexible and making sure we get this done in time.

Dr. Keenan, thank you so much for spending such a long part of your day with us. We appreciate it very much.

>> ELIZABETH KEENAN: Thank you.

>> NANCY KRENT: We're going to excuse you now. Is it possible for us really to take a break and be back in three minutes?

Because if not I'm not giving you any break at all. So those are the options.

>> NICKI BAZER: We can do three minutes. I will not leave the room.

>> NANCY KRENT: We're going to take a three minute break and Ms. Brooks during that time we would ask that you...

(Break)

>> NANCY KRENT: We have reached the 3-minute mark.

During the break the witness was sworn in. Ms. Brooks, welcome. Thank you for being here today. We appreciate your coming in, we appreciate the affidavit that you have already provided and the time you took a few weeks ago to walk us through again the SSM system with the CPS people who have also done that for us.

We're going to ask you to make just a brief statement. Highlighting what you think is key for us to know. Please know that we have reviewed everything you've submitted. If there's an area that we don't ask you about, it's not that we don't remember it, it may be that we don't think we need any additional information on it. We are for the rest of our time going to try to be as expedition as possible.

>> NICKI BAZER: I wanted to note for the record that we have an objection to the teacher testimony both today and tomorrow we're just renewing that objection.

>> NANCY KRENT: We understand the objection. We're going to go forward in any event with testimony. But thank you.

All right. Ms. Brooks. Give you a time to make brief statement.

>> KRISTY BROOKS: Thank you. My name is Kristy Brooks; and I'm a professional school counselor in my 12th year with CPS. For 11 of these years I was given the additional duty of case manager overseeing all Special Education related services in my school. I am speaking today as someone who has run thousands of Chicago Public Schools IEP meetings over the course of my career. Even though this wasn't the job I was hired to do as a counselor, I took it seriously and I worked hard to understand my duties and the rights of the children and families I serve.

In September of 2016 Chicago Public Schools office of diverse learner support and services began rolling out a new plan for what IEP teams student discovered was a very different electronic IEP system that caused mass confusion and disruption of IEP services immediately. Never before have I witnessed systemwide orders to undermine and override IEP teams as I did from the CPS ODLSS guidelines that first released in the fall of 2016.

My school Special Education team has a strong core that has been following our own guidelines for years. We keep advocating for our students and following our professional ethics and special ed law. We tell parents when their child's IEP minutes are not being met. We remember that we are beholden to do what's right by our students and the law, not to follow what is told to us by a principal or network district rep behind closed doors without putting the directive in writing.

We have been intimidated and warned by administrators and network district representatives but we reach out to the Chicago teacher's union for support and refused to be bullied and to stifling our professional opinions. These have worth and dignity as do the viewpoints of our students and their parents.

I have sat across the table from so many parents who hear about how their children are struggling in general education classes without the IEP required special education teacher or paraprofessional support they're entitled to. It's not easy to jump through all the hoops to get an IEP for a child.

So once we finally have one in place, parents are crushed to find out that we cannot provide services because we don't have enough special ed teachers or paras in the school building. General education teachers often try to make up for the missing special ed support by spending more one-on-one time with the child in their classroom, which is commendable, but then the rest of the general education students miss out on teaching services as well. All because special ed service minutes go unfulfilled.

We desperately need oversight to determine if IEP service minutes for students are being met in Chicago Public Schools, including charter schools. As the case manager, I went up the chain of command, first to my principal, both in person and through email. To the local school council every year at my school. To the network chief, to various ODLSS reps. But still thousands of missing IEP service minutes per we can go unmet at my school now and for the last three years.

I know we are far from the only CPS school that is not meeting legally required service minutes under sued stent he is IEPs, it was

especially disheartening to hear a member of the may I don't recall appointed Chicago Public School Board of Education state publicly last year that there are no problems with CPS schools meeting IEP minutes of service because administrators were directed to make sure that they were met. That statement is so far out of touch with what's actually happening in our schools, and proves that we are fighting within a system that can't or won't listen to our voices. Please do not let this issue be ignored today. We have no one else to turn to for help.

Like my colleagues who will speak at these proceedings, those that wrote pleadings affidavits to ISBE, and those that have been unjustly removed from their special ed positions already, I am forced into a whistle-blowing situation like this that puts my future career at risk by speaking out base there are no checks and balances in CPS that are working. Without tenure and protection from a strong Chicago teacher's union, many more of us would have received disciplinary action and/or removal from our positions and CPS's efforts to quiet us. Despite your thorough attempts to gather evidence from across the City of Chicago, there are thousands more problematic cases in the district that you will not hear about during this inquiry. Please help us put a system in place for corrections across the district. So that all CPS students benefit when this inquiry is complete. Thank you.

>> NANCY KRENT: Thank you. Ms. Ramadurai.

>> RUPA RAMADURAI: Thank you for sharing that with us. In your opening statement and your affidavit I want to talk a little about paraprofessionals first. Let me start by saying that. In your opening statement and affidavit that you gave us you indicated that CPS had provided some new directives in the fall of 2016.

Can a parent ever initiate a request for data collection?

>> KRISTY BROOKS: So there are times during the IEP meeting where a parent would bring up paraprofessional services. If the team has not previously thought that that was a need. Then we would tell the parent at the meeting that oh, we'll have to start collecting data on that because that's what's needed now in the system. It's not something we can agree to you at the table without first submitting data and into this outside paraprofessional justification form and then having a principal sign off on it and agree that the data was sufficient to move forward. And once the principal was done with that outside paraprofessional justification form and special ed teacher would also have to put data in, only then could the team move forward and have that piece open up in the IEP.

>> RUPA RAMADURAI: Am I hearing you correctly in saying that the mechanism for parents was at the IEP meeting.

>> KRISTY BROOKS: Correct. A parent could say something to a teacher outside of IEP meeting, maybe a parent conference or just a visit with a teacher or something like that. But for a parent to bring data to the table, I've never seen it happen.

>> RUPA RAMADURAI: So I want to talk a little bit about the para justification form. Was there any training or guidance provided for how to fill out the form and how to do the data collection that the form requires?

>> KRISTY BROOKS: No. Not at the beginning when it was first rolled out. In September of 2016 were the slides that were produced for the case manager meet willing. And it was just a surprise to all the case managers in the room. I was in seven meetings and there were about 30

case managers. And the slides that were provided were confusing to us, it was new. And at that point there was no training. We went back to our school as doing the first IEPs that fall we discovered all of the changes in the IEP. And we were not provided training prior to that.

>> RUPA RAMADURAI: How much in advance of the meeting would you need to fill out the para justification form.

>> KRISTY BROOKS: Well, we found out the hard way that the principal had to do observations on the child, which were presented on slides in September. But we didn't realize that in the para justification form after the teacher entered all the data and the principal was able to do the -- I think it was two observations, that once the -- if the principal did the observations and then finalized that paraprofessional justification form, it would open up a new part of the IEP so that there was actually more information that needed to be put in. And it was at the table that we found out, okay, the principal finished their part, oh, now there's more to the paraprofessional part that opens up on the IEP that we have to also fill in.

>> RUPA RAMADURAI: So just thinking chronologically how this process start, the form would have to be filled out and then the observations by the principal, or when does the principal step in?

>> KRISTY BROOKS: So first it was usually the special education teacher, probably could have been any IEP member that could have put in the data on the paraprofessional justification form. Once the data was there, then the principal was -- had a part that they had to fill out including observation data. And then once that was finished, I think there might have even been another teacher part for the paraprofessional justification form. And then once that form itself was done, and the principal agreed to it, and that was closed, then in the actual IEP the paraprofessional piece opened up with more data. Not more data, excuse me, more information that needed to be added by the IEP team.

>> RUPA RAMADURAI: And what was that more information that would need to be filled out by the IEP team.

>> KRISTY BROOKS: Trying to remember. I think it was the FAPE idea, so -- okay, so Chicago Public Schools saying, okay, we'll let that part of the IEP open up, that there's going to be a paraprofessional, but what is the plan to FAPE the services.

>> RUPA RAMADURAI: And prior to an IEP meeting have you ever experienced your principal denying a para justification form?

>> KRISTY BROOKS: At my school if a principal did not agree to move forward in the form, the principal had to show up at the meeting and listen to the team. There were times that the principal did come to the meeting and listen to the team, and the principal either could have been agreed to move forward and finish the paraprofessional justification form at the table, or they could have said I want more data in every subject that you're asking for services in. So we'll have to reconvene the team.

>> RUPA RAMADURAI: So what would happen in circumstances where the principal did not review the form prior to coming to the IEP meeting?

>> KRISTY BROOKS: The IEP team if they determined that a paraprofessional was needed they would not have been able to enter that into the IEP.

>> RUPA RAMADURAI: So then what would be your next steps when you're at the IEP team dealing with a situation like that?

>> KRISTY BROOKS: As case managers we were told by network district representatives that we should finalize the IEP as is and then come back to the table when enough data could be collected for the principal to move -- agree to move forward. Personally I did not agree with that. I didn't think it was right to finalize an IEP without an IEP team's decision in there. So I would leave the IEPs open and I would not finalize them without the IEP team's decision.

>> RUPA RAMADURAI: If you were to finalize the IEP, what would the IEP state under the paraprofessional piece?

>> KRISTY BROOKS: Would state that no paraprofessional is needed for the student.

>> RUPA RAMADURAI: So approximately how many paraprofessional justification forms did you fill out in the 16-17 school year.

>> KRISTY BROOKS: My Special Education team I'm at a school with a cluster program so we have two classes of cluster students with more severe disabilities. And from September until I believe through December of 2016 it was still necessary for even cluster teachers which usually 100 percent of the students in a cluster program need at least shared paraprofessional support. They were doing oh, my gosh, probably about -- my cluster teacher has 13 students in a room. And from September of -- until December she had a lot of meetings. So probably about ten -- she had to fill out. Paraprofessional justification forms for about ten students in those months.

>> RUPA RAMADURAI: And what type of data would you collect.

>> KRISTY BROOKS: My Special Education teachers would collect data based on what was happening in the classroom. Sometimes it's difficult because of an IEP is due at the beginning of the school year and the student is new to our school, she would have had to have data collected right away, maybe if the IEP is due at the end of September or the beginning of October. So it was data that was taken in the classrooms. But I believe at that time it was ten days of data as well as --

>> RUPA RAMADURAI: And when did it shift to five days of data occur.

>> KRISTY BROOKS: I'm not positive, but I believe was at one of the changes that went through FSM, in December of 2016 over winter break so it would have taken place in January of 2017.

>> RUPA RAMADURAI: I want to switch gears a little bit and talk about ESY. Can you tell me about the directives you were given around ESY at -- in the fall of 2016?

>> KRISTY BROOKS: In the fall of 2016 we were told there were only certain categories in which a child could qualify for an ESY and that we had to have either a principal or a district rep approve the services for ESY. The qualification areas were regression and recruitment, in which we had to enter data into a very confusing system that I don't know if anybody ever figured out. A critical skills component and then the last one was a special circumstances.

>> RUPA RAMADURAI: Can you elaborate on what was confusing about the system for data collection?

>> KRISTY BROOKS: For particularly the regression recruitment it was something that through trial and error none of us could figure out. And it was something that was lost in the system, and we were told that all IEP team meetings that thought we might need extended school year ESY for a child, we had to wait until January at the earliest to put in for ESY. That part of the IEP was not editable prior to January 2017 during that school year.

And so we were told that we had to hold the IEP meeting on time if it was due before January, and then we had to finalize the IEP that said this child is not recommended for ESY services even if that's not what the team believed because it was not editable, that was the only way to finalize the IEP. And then we were told that we had to reconvene any meeting that we thought needed ESY for a child between January and May 15th of 2017.

>> RUPA RAMADURAI: Can you tell me a little bit about the type of data you'd have to collect for ESY?

>> KRISTY BROOKS: For ESY, for regression recruitment the teachers were IEP team members were asked to collect data on the IEP goals and if they were able to maintain the achievement level they had received prior to the break. So we were allowed to look at summer break, winter break, and spring break. And we were supposed to determine how many weeks it took for that child to regain mastery after coming back from the break.

>> RUPA RAMADURAI: And at any point in the 16-17 school year when these new directives were rolled out, were you given any training or guidance around data collection?

>> KRISTY BROOKS: So I took it upon myself to attend one of the ODLSS meetings with one of my Special Education teachers on the new ESY data collection. In the winter of 2016-2017. One of the network district representatives did not show up to the meeting who was supposed to present. The one that was there tried. She had a PowerPoint she was supposed to present. But we had our laptops and were showing real cases and how it won't working and it wasn't going through.

And the most common response we kept getting was it's not supposed to be like that. That's not how it's supposed to work. I'm not sure. And we were asking questions about well for a child who has let's say 78 different IEP goals, what if they are regressing in two of them? But they are making their expected gains in the other five?

We were given the information at that time meeting that they needed to be not regressing in over 50 percent of them to qualify for ESY, which according to ODLSS later I found out might not have been true. So there was a lot of conflicting information. I did reach out to case managers in other networks to see if they had any other feedback or direction that was different than what I was getting. And everyone I talked to was confused about the direction.

>> RUPA RAMADURAI: When you say you took it upon yourself with some of your Special Education teachers to go attend this ODLSS meeting in the winter, was this something that you guys were invited to as a training and kind of technical assistance kind of meeting, or what -- what do you mean that you took it upon yourself?

>> KRISTY BROOKS: So ODLSS puts on a series of special team meetings all the time through the school year, you have to search for them in the learning hub or sometime district rope tiffs will put out a list of all the upcoming trainings. But they're doing the school day so you have to get permission from your principal to leave the building during the school day to attend the meeting, and it was difficult for my Special Education teachers to get time off because there were no substitutes provided so taking time of course means you're not servicing the kids. So these meetings are difficult to get to.

>> RUPA RAMADURAI: So you also said in your affidavit that the

number of students getting ESY services declined.

Do you have any information to suggest that this was new to the ESY procedures?

>> KRISTY BROOKS: In my school particularly, in the previous two years before these new procedures rolled out in the fall of 2016, we had typically decided that about 30 students in my school qualified for ESY. Once the assignments came out at the end of the year and I had to get permission from the parents to actually go forward with signing the student up for ESY, I would say on average of the 30 that we thought qualified, maybe 15 would actually go to ESY, to summer school. In my school once these new policies rolled out the 2016-2017, and as I said, my team works hard. We are relentless and we keep trying to find a way, even with that, we only ended up qualifying around six or seven students at the end of the 2016-2017 school year for ESY.

>> RUPA RAMADURAI: Can you tell me what that decline may have been attributed to in your opinion?

>> KRISTY BROOKS: The Special Education teachers had a really difficult time putting their child's needs for ESY into the box of data that was acceptable to move through one of the ESY criteria that CPS set forth.

>> RUPA RAMADURAI: I want to talk a little bit about the missing minutes piece that you discuss in your affidavit. You say that in the spring of 2016 you and the team determined there to be 8,000 Special Education minutes not being met per week.

How did you calculate that amount?

>> KRISTY BROOKS: So every year my Special Education team and I would sit down together and we would look at the schedules. And then each Special Education teacher would calculate for a certain caseload of students if all of their IEP minutes were being met. We did this all in Google documents. And we also once we figured out how many minutes were missing, we created schedules for the other Special Education teachers that we really hoped would be hired to show how all of these minutes could be met and how many Special Education teachers it would take to meet these minutes.

>> RUPA RAMADURAI: Did you do a similar calculation in the 16-17 school year?

>> KRISTY BROOKS: We did. There was actually a new form that was released in the 16-17 school year -- no, I'm sorry, that was the 15-16 school year. There was -- in March of 2016 CPS released a document, and it was the first time in my career that CPS had asked us to put and track our minutes. And I was really glad that they did that. And that was a spreadsheet where we would put in the minutes of service and then we would put in which teachers were meeting which minutes of service. And the CPS document would calculate for us how many minutes were missing. And like I said, that was very helpful. That was in March of 2016. During the 2016-2017 school year, yes, my team calculated this again. We calculated every year. And we were still -- and still currently we've seen thousand -- missing thousands of minutes per week.

>> RUPA RAMADURAI: In 16-17 school year.

>> KRISTY BROOKS: I can't remember off the top of my head. It varies throughout the school year. Starting off we always do it in September right away so we know how many minutes we're missing. And then I believe in the 2016-2017 school year, yes, in December we got together again because we told our district representative we don't



know what to do we're missing all these minutes, please help us. And she recommended that we get together. We did in December of 2016-2017 school year. My guess is it was around 5,000 minutes a week. At that time.

>> RUPA RAMADURAI: And then did you do the same calculation for this school year in the 17-18 school year?

>> KRISTY BROOKS: I believe they did. I was not the case manager starting off this school year. So I was not part of the Special Education team meeting at the beginning of the year. But I believe my team has. And in fact I checked in and they said you know, we were just told to justify why Special Education students are failing certain classes. And Gen Ed teachers were asked too to justify why Special Education students are failing classes and the feedback I got from my teachers are a lot of them aren't getting the services they're supposed to get. So I know it's still a big problem in my school and other schools.

>> RUPA RAMADURAI: In your opening statement and you also mentioned this in your affidavit, you said that you had talked to your principal and you had brought this issue of missing minutes to your principal and I guess also to your LSC.

>> KRISTY BROOKS: Yes.

>> RUPA RAMADURAI: Can you tell us what unfolded in these conversations with your principal and the LSC?

>> KRISTY BROOKS: With my principal, the way I work is I always going to someone first directly in person. And I pleaded. I said I can't defend you at the IEP table any longer. And I'm going to these IEP meetings and having to explain to parents were their children aren't getting their minutes of service that are in the IEP. I just can't do it anymore. Like what do I say? I can't defend this.

And I -- I didn't really get a clear response. And I started sending emails as well. And also when the Special Education team and I meet at the beginning of every year, we find out how many minutes are missing and do specials for these Special Education teachers we hoped to hire. Of course we share these with our principal right at the beginning of the year every school year.

Unfortunately we never really got a response. We just got well, you know, if we request more teachers, they are he going to come in and cut our schedules and go through you are our IEPs with a fine-tooth comb and we said good, we have nothing to hide. We write really good IEPs and we want people to come in and look at them. We want people to tell us how to make it work when we do not have enough staff in our building to meet our minutes.

>> RUPA RAMADURAI: I have one last question for you about something in your affidavit.

>> KRISTY BROOKS: Sure.

>> RUPA RAMADURAI: In your affidavit you provide that in 2016 your VR told you that you had too many children with 300 minutes in the grid page. So what did the DR recommend that you do?

>> KRISTY BROOKS: So there are two instances. The district representative told case managers at a meeting that we need to be very careful, we need to look at our IEPs and too many of our students have the same amount of minutes that was a huge red flag and we were giving students too many minutes. And I spoke out at the meeting and I said, but we can't change an IEP and change the service minutes outside of an

IEP team meeting. This is an IEP team discussion.

And so she backed off a little bit, at the case manager's meeting and the same network district representative came to my school and spoke to my Special Education team, Special Education teachers and said the same thing. Too many students with 300 minutes per week in certain subjects. And not all of our students had 300 minutes a week, the way our school is scheduled we're on 60 minute periods, at the same time if a student insides more support in that particular subject, 60 minutes a day equals out to 300 minutes a week. And my Special Education teachers were especially upset about that as well. And I know that's something that happened last school year but this is still happening now.

Earlier this month in March this same number of district representative came to my school to hold a meeting with my Special Education team. And it's three members of the team that took notes at the meeting. And they came to me afterwards and said now they're telling us that for every 100 minutes of service a week you have to have one goal for that subject. And so if -- if they told us if you want to have 300 minutes of service in a subject, if we have one goal for every 100 minutes, it's three goals per subject.

If the team wanted to give 300 minutes of service, full service on that subject. So then we think about t and I'm like for an 8th grade student who we're writing an IEP for who maybe needs a lot of Special Education teacher support if we're looking at 300 minutes a week in the three core subject, reading, math, science and social studies, that's three goals time 4 subject, 12 goal, that as an 8th grader you have to write a transition plan into high school. You have to write these goals. That's 2 goal, 24 goals for the team that wants to give an 8th grade student full support academically in four core subjects. Even though CPS might say well you know things are getting better, we're improving things, these are still things that are being said now. This was in March of 2018. And there being told -- and are being pressured in this way to lower minutes of service.

>> RUPA RAMADURAI: Thank you, Miss Brooks. I'm going to turn it over to my colleague.

>> NANCY KRENT: Thank you. Ms. Brooks I want to ask you a couple technical questions. You said that in 16-subpoena your team qualified 6 or 7 students for ESL. Kuhn how many of those went to --

>> KRISTY BROOKS: I know one transferred out of district. I had to hold up her mom from moving out of the district because I wanted to get in an IEP that she actually qualified for. That's why. How many we actually sent?

>> NANCY KRENT: If you don't know that's okay.

>> KRISTY BROOKS: Minus that one we probably sent all the ones that qualified, I think. Minus the one student who moved out of district.

>> NANCY KRENT: Okay. Did you cover with my colleague various -- the areas in which you felt that the changes in 2016 led to IEPs -- I think you put in your affidavit not reflecting accurately what the team's decision was. I think you covered that. I did have a question following up on that. Which had to do with you referenced that you would try to record that, I think that's in your affidavit.

>> KRISTY BROOKS: Uh-huh.

>> NANCY KRENT: How did you do that?

Where was that recording?

>> KRISTY BROOKS: There are a few ways, one of it was in parent concerns I would have recorded thing, one part is the IEP notes pages which last year at least was in the IEP, but it's a separate pull-up that you have to do at part of the IEP, it's not automatically in there. You have to add that section to it. It's called IEP notes. So I would record some things there.

There's also what are called event log, they're in the SSM system. And you can tie them to certain parts of the IEP. So for example if -- I was going to be out of compliance because I wasn't finalizing an IEP by the day it was due. I might do an event log for this and saying leaving this IEP open because we're not able to achieve decision. So there were a few different ways I would record it.

>> NANCY KRENT: Okay. If you -- when you go to print out an IEP, parent -- parent's ready to leave. You say here's your IEP. You hit the print button. Does the notes page print out as part of the IEP when you hit the print button?

>> KRISTY BROOKS: You know I was trying to remember that actually when we were speaking about the IEP notes pages earlier. If I'm -- if I am remembering correctly I think you had to print that separately. I'm not 100 percent sure on that.

>> NANCY KRENT: We can follow up with someone else on that as well. All right. So do you know if you were to open an IEP electronically, an IEP of -- last year or student coming in from another school, would -- as you're scrolling through the IEP, how could you tell when you were in the system whether or not there were no notes on the note page?

>> KRISTY BROOKS: I don't believe you can. I think you would have to look for it.

>> NANCY KRENT: You would click on the button that said notes page and open to see whether there was anything there, is that correct?

>> KRISTY BROOKS: Yeah, I think -- I don't remember to be honest with you. If it -- once you do create a note, if it automatically becomes part of that IEP and if it stay stays with it electronically or if you have to open that section separately. You know what, I'm -- 80 percent sure you have to open up that section separately. It's -- it goes along with the IEP report card. Which if you're looking electronically at an IEP, you won't see it going through it. You have to specifically open up that separate section. I'm pretty sure on that.

>> NANCY KRENT: Okay. I want to ask you just a few questions about a specific incident that you talked about in your affidavit that dealt with a student, a student who -- that you said the team had recommended for a separate day placement. And according to your affidavit, the team held a discussion in October of 2016 about that student. And the team had decided that the student should be moved to a separate day placement but it took until June of 2017.

>> KRISTY BROOKS: Correct.

>> NANCY KRENT: There's some -- I want to be careful not to go too much in detail, I'm going to caution you not to go in too much detail because I don't want to be specific about what happens with a particular child when we don't have authorization to talk about that child.

>> NICKI BAZER: Also we have background information on this student that we are not going to share publicly and cannot. We would raise

that as well.

>> NANCY KRENT: All right. First of all, let me just ask again, a procedural question here. If the team as you describe decided that the student should be in a separate placement, can you tell me where that was recorded in the IEP if you know?

Or was it recorded anywhere in the IEP that that was what the team was recommending?

>> KRISTY BROOKS: There is a part in section 7 of the IEP towards the beginning of the document where it talks about transition within LRE. And so the IEP team oftentimes would put discussions about the LREs, including separate day in that section.

>> NANCY KRENT: Okay. And so what I would like to talk about is not the decision itself but the process. Did you -- do you know whether or not -- and I guess you were the case manager at this point.

>> KRISTY BROOKS: Correct.

>> NANCY KRENT: Did you speak with the district representative before that meeting to talk about the separate day placement issue?

>> KRISTY BROOKS: Yes. My team -- Special Education teacher and I did.

>> NANCY KRENT: And at that point did you and the district representative have discussion about what process needed to be followed under the new procedures?

>> KRISTY BROOKS: We never spoke about the procedures, I believe the procedural manual for 2016-2017 came time?

October and then it was taken down off the website again. So I don't know if procedures existed. But the network district rep did give us feedback about what steps we needed to go through if we wanted to continue to discuss that with --

>> NANCY KRENT: What were those procedures that were described to you?

>> KRISTY BROOKS: My gosh, there were a lot of them. We had to collect certain data which this Special Education teacher was amazing at collecting data and she did everything that was asked of her. We were told to reach out to a certain department in Chicago Public Schools and have people come out to observe the child. And the Special Education teacher did follow this directives as well. I actually have about 75 pages of evidence regarding that case specifically, so I can go back and look if you need more specifics about what was asked and what was done. There was a lot of steps that were put in place, and the team followed every single one.

>> NANCY KRENT: There was correspondence attached to your affidavit about the incident. The correspondence is all February of 2017 correspondent. Were there --

>> KRISTY BROOKS: Correct.

>> NANCY KRENT: Were there emails going back and forth before that that you didn't attach or was that the first time when that was being dealt with through email correspondence?

>> KRISTY BROOKS: There were emails before that. Starting at the beginning of the school year 2016-2017.

>> NANCY KRENT: Okay. And am I correct in understanding that what was happening between October and February was that the team was doing what you believe the team had been told to do in terms of gathering the information?

>> KRISTY BROOKS: Jumping through every hoop that was put in front

of us. And the hoops kept multiplying and kept getting higher and we kept jumping through every single one. Until finally there were -- there was a new procedural guideline that came out over winter break during the 2016-2017 school year and I remember right before winter break I emailed the principal and the network district rep and I said, you know, we're still trying to move forward with separate day on this case, there's a new procedural guidelines out. Please take a look at it and talk -- I told my principal please talk to the network district rep over Christmas break if you need clarification, she said there's principal cases that you need to complete in order for us to move forward. I didn't hear anything back upon returning back from winter break but there were like I said more like procedural guidelines to follow that came out over winter break and some of them were emails to us as case managers, and so I believe it was in February where I just sat down, and I'm like, what am I missing here?

What -- what hoops haven't we jumped through to get separate day, and I did find CPS guidelines on separate day in the knowledge center. Not one that was provided to us, I went to the knowledge center and found it. I thought okay like now I have something from CPS that tells me what we need to do. And in going through the separate day procedure, I found one piece I hadn't done. And I didn't know that I was supposed to. And it said for any team considering separate day for a student K-4 you needed to notify the network chief. I thought a-ha. That's the one missing part that I didn't know I was supposed to do.

So right away I emailed the network chief and said hey I just need to call your attention for this, we're considering separate day for this student who is between K-4, I see that's a new policy, I CC the principal, the district rep. I thought I was going to finally move this forward. And then all hell broke loose.

>> NANCY KRENT: I think that's described in your affidavit.

>> KRISTY BROOKS: Yeah.

>> NANCY KRENT: I appreciate that. All right. I think I now have clarification on your description of that incident.

So I'm going to put that into the -- incident aside.

While you were case manager, you say in your affidavit that there were -- that it appears that you're saying in your affidavit that there are other times when you believe that the district representative or some other officials presented an IEP team from reflecting its decision on an IEP. Do you have personal -- other personal experiences and if so, without going into detail about who was the child, can you share with us what categories of decisions you're talking about?

>> KRISTY BROOKS: So the transportation category, the IEP team I ran into times where I could not move forward, I could not finalize the IEP because there was a network district representative that needed to do something that was not done. So the IEP team could not move forward with that decision. We've already discussed ESY where there were times where the IEP team did not put in their decision and there were also times with paraprofessional services where the IEP team could not move forward because the right paperwork and the right sequence, signed off by the right person was not done.

>> NANCY KRENT: And were those ultimately done and you were delayed in doing them or --

>> KRISTY BROOKS: Yes. In my school, my team was and is relentless. And so all of the cases that we were fighting for eventually were

resolved. Yes.

>> NANCY KRENT: And am I correct that you are not serving as case manager.

>> KRISTY BROOKS: Correct.

>> NANCY KRENT: When did that stop?

When were you no longer --

>> KRISTY BROOKS: Through the most recent Chicago Public Schools, bargaining agreement, all staff members are allowed to refuse case manager duties starting the fall of 2017. I started not serving as a case manager this school year, 2017-2018.

>> NANCY KRENT: Do you still have involvement with the IEP teams.

>> KRISTY BROOKS: I do. I am school counselor for every child in high school. And so sometimes parents come to me because they want support. Sometimes IEP team members come to me for support or guidance. Sometimes it's technical and sometimes it's more general.

>> NANCY KRENT: Have you been attending IEP meetings this year.

>> KRISTY BROOKS: Not very many, no. And not as a case manager at all. Only as a counselor.

>> NANCY KRENT: Okay. In any of the IEP meetings that you've attended this year, have you been present when issues involving meetings, verifications or people to enter things in areas like the paraprofessionals or ESY, transportation have come up?

>> KRISTY BROOKS: Not at the specific IEP meetings that I was present at.

>> NANCY KRENT: All right. Ms. Brooks, last year when you were a case manager, how did you receive updates on the changes in the manual or changes that were coming out periodically in the SSM system?

>> KRISTY BROOKS: Oftentimes we did not receive updates that the system had changed until we found out that it changed during an IEP meeting when we couldn't move forward. Too often we were notified one or two months after changes went into effect.

>> NANCY KRENT: Okay. And you I believe spoke with us when we were doing the SSM demonstration that you're aware that there was a help desk that you could call and I believe you told us that sometimes that was useful and sometimes that was not.

>> KRISTY BROOKS: Yes. So I called the help desk often. That is a technical help desk. And so sometimes when the IEP wouldn't do what we expected it to do, I did call and after the demonstration I actually went back and looked at CPS's data. They keep data on how many times a person calls. And you as an employee have access to it. During the 2015-2016 school year I called SSM -- I called the IT help desk specifically for SSM issues three times during the 2015-2016 school year. During 16-17 school year I called the SSM help desk for issues 20 times, and that's based on CPS's own data.

>> NANCY KRENT: Thank you. I don't have any further questions at this time. CPS?

I'm not sure which of you is going to ask -- Jennifer. And we're going to start your time.

>> JENNIFER SMITH: Good afternoon. During -- in your affidavit and during your testimony this afternoon you've talked a few times about IEP teams making certain decisions. Would you agree that -- or a principal may be part of the IEP team.

>> KRISTY BROOKS: A principal can be part of the IEP team. In my experience in the thousands of meetings I've run in Chicago Public

Schools the only time a principal last attended an IEP meeting prior to 2016-2017 was when they were doing my once a year observation on how good of a counselor I was. So that was about once a year, a principal would attend an IEP meeting in my experience.

>> JENNIFER SMITH: But would you agree if the principal is listed on the notification of conference, the principal is a member of the team with a specific role just like all other members?

>> KRISTY BROOKS: Yes. The principal was never told to as a case managers to be put on a notice of conference until the 2016-2017 school year and only in certain circumstances.

>> JENNIFER SMITH: And what do you agree that the OLDS representative may be an IEP team member again an IEP team member if they attend the IEP team and are on the notification of conference or if the parents agree to waive the ten day in the so they can participate in the meeting.

>> KRISTY BROOKS: As case managers we were told that we had to invite in network district representative starting in the 2016-2017 school year. For specific circumstances. And so if we were told we had to invite three people, and put them on the notice of conference, then yes, they were part of the IEP team. Because we were told we had to include them.

>> JENNIFER SMITH: So they were part of the team. IEP team. Correct?

>> KRISTY BROOKS: We were told we had to put them on the notice of conference for certain circumstances. And so apparently they are part of the IEP team for putting them on there.

>> JENNIFER SMITH: Okay. You sound skeptical that either building principals or ODLSS representatives are appropriate members of IEP teams. What's that based on?

>> KRISTY BROOKS: I'm sorry, what's the question?

>> JENNIFER SMITH: Do you think that principals or ODLSS representatives should be IEP team members?

>> KRISTY BROOKS: I think good IEP team members are people that listen and people that take data into account at the meeting. Not just outside of it. And I do have concerns about data and decisions are made outside the IEP team meeting itself.

>> JENNIFER SMITH: Okay. So again, though, if the principal and the ODLSS representative are part of the IEP team, they can join in that discussion and collaboration; correct?

>> KRISTY BROOKS: I think it does work best when the discussions happen at the table and all of these points of all IEP members are taken into account, yes.

>> JENNIFER SMITH: Okay. And again I'm going to stay away from student specific information and I would ask you to too although your affidavit does talk about a specific student. So I'm going to try to generalize my questions and I -- I'm just clarifying I'm not intending to elicit student specific information with three questions. Ms. Krent asked you and your affidavit speaks to a circumstance where therapeutic day school was -- you opined that that would have been the appropriate placement for a student prior to the point when the IEP team made that determination, the IEP was changed.

Do you know what I'm referencing in your affidavit?

>> KRISTY BROOKS: I'm sorry, no, I don't.

>> JENNIFER SMITH: We can pull out -- why don't we pull out your

affidavit. It is...starts at advocate 003027.

>> KRISTY BROOKS: Which section specifically.

>> JENNIFER SMITH: You start broadly speaking about the topic on Page 3041 and then you provide a specific example after that. You want to refresh your recollection?

>> KRISTY BROOKS: No, I know. I know.

>> JENNIFER SMITH: So in that instance -- and maybe I misunderstood. I thought you told Ms. Krent that you thought the student should get a private day school placement before that change was made, is that accurate.

>> KRISTY BROOKS: Before what change.

>> JENNIFER SMITH: Before the student received a private placement of private day.

>> KRISTY BROOKS: The student had been at my school for two years and the IEP team had been discussing separate day for two years.

>> JENNIFER SMITH: And for those two years when they were discussing it, what was the determination that was made.

>> KRISTY BROOKS: There was never a determination made. We were never told how to move forward. We were just told to do more and certain things that we did, everything we were told to do at first -- the first year we were told well you have to get this child a dedicated aide to move through the continuum, which we understood. And so we jumped through all the hoops we needed to get a dedicated aide which isn't easy. But we did that. And then we were told that we had to collect data with the dedicated aide, which I understand. And so the team did that. And so we thought of hey what's the next step?

There was a break for the summer, we came back. And first thing starting the next school year, the teacher started reaching out immediately through email for how to get this child into a therapeutic placement. The parents had been very involved. We pushed for more supports for this child as well.

>> JENNIFER SMITH: So is there a point in time when you thought that -- is your testimony then that the placement change was made in an appropriate course after data was gotten and restrictive interventions were attempted, or is your testimony that a therapeutic placement should have occurred earlier?

>> KRISTY BROOKS: Therapeutic day -- should have started earlier, once we started the 16-17 school year and the teacher started emailing me immediately. We were still stone-walled at everything we tried to do. From the fall of 2016-2017 until May when I finally got an IEP team with enough people present to move forward with the decision.

>> JENNIFER SMITH: Okay. But at those prior IEP teams there were decisions made about placement, the decision was to keep the student in the general -- school with general education students, I mean that's what the student's placement was until it was changed; correct?

>> KRISTY BROOKS: No, we had held IEP meetings in the fall of 2016 and I actually have emails about that where the district rep told us to just finalize it now because we didn't have the right kind of data or more data that they were asking for or more people to come out from different various CPS departments to do more observation. So I do have emails pertaining to that. But we were told by the network district representative to just finalize the IEP as it is because it was due in the fall. And that after collecting more data, or having various other CPS personnel out to do more observation, then we could again look at



moving forward with separate day.

>> JENNIFER SMITH: And you in fact do include some of those email exchanges as an exhibit. And I'd ask you to turn to Page 3059 at the start of the an email change. But if you go to 3060, there's an email -- I'll let you flip there. Are you there?

I want to make sure you have a chance --

>> KRISTY BROOKS: I'm on 3060.

>> JENNIFER SMITH: Do you need a chance to review the email chain?

>> KRISTY BROOKS: If I do, I'll let you know. I remember pretty well.

>> JENNIFER SMITH: Okay. So my question is it appears February 27th the principal sent you an email or sent a -- an email to Miss Aguilar saying that there was a determination during a -- the IEP, then made the separate day placement unwarranted and also in the email it says the basis was that the student was making progress in her present setting. Now, we don't obviously have all the emails there, but doesn't that provide clarification that the student was making progress in the current setting and that that was a determination that the IEP team --

>> KRISTY BROOKS: No. In fact the principal was not present at the IEP meeting. So I did not understand why the email said what it did. When he was not present at the IEP meeting. And as far as her making progress in her present setting, I have no idea where the judgment for that statement comes from either.

>> JENNIFER SMITH: And if there wasn't data -- what data were you using to disagree -- or are you using -- maybe this types of data. Because obviously we don't want to reveal any information about a specific student. What types of data are you saying refute the principal's assessment that the data showed there was progress made in the current setting.

>> KRISTY BROOKS: The teacher that worked with the student is phenomenal at collecting data. I have never seen someone so dude. She had a dedicated aid aide on a regular basis collecting data. The student -- also collecting data in different setting, so we had mound stands of evidence collected.

>> JENNIFER SMITH: So as a broad concept you would agree that the students making progress in their present setting, it would be inappropriate to move the setting, move the student to a more restrictive setting, correct?

>> KRISTY BROOKS: This student was not making progress sufficient to keep her in her current setting.

>> NANCY KRENT: Ms. Brooks I think the question was in general if a student is making progress. Brooks approximate in general if a student is making progress...

>> JENNIFER SMITH: You'd agree that they should stay in their -- in the placement level they're at and not go to a more restrictive placement.

>> KRISTY BROOKS: The student's making progress and is safe, I would add that.

>> JENNIFER SMITH: So that's the standard that you used.

>> KRISTY BROOKS: Our team looked at a lot at safety.

>> JENNIFER SMITH: Have you -- have you observed or have you ever been to a therapeutic day school.

>> KRISTY BROOKS: I was a behavior specialist at a therapeutic day

school for one year.

>> JENNIFER SMITH: And when was that.

>> KRISTY BROOKS: That was in 2004, 2003. I think. It's on my resumé somewhere. I'll have to look at it to be sure.

>> JENNIFER SMITH: And what population of students did that school serve.

>> KRISTY BROOKS: The school served kindergarten through 12th grade students who were kicked out of their public schools. And placed in this setting.

>> JENNIFER SMITH: When you say kicked out, so was the -- the student was -- (cross-talk) the behavior safe school alternative, not a special ed education therapeutic day school?

>> KRISTY BROOKS: I think pretty much every student there did have an IEP, behavior issues were prominent, yes.

>> JENNIFER SMITH: But they were expelled students or students placed in lieu of expulsion as opposed to kids placed throughout the therapeutic process.

>> KRISTY BROOKS: It wasn't in lieu of expulsion. I think every student there had an IEP, so it definitely was special education students that we were servicing. I learned more in that one year as a behavior specialist at that day school and I think all of my six years of college combined. I learned a lot there.

>> JENNIFER SMITH: Okay. Going to a different topic, on ESY services. You testified that your team initially prior to guidelines being provided by CPS, found 30 students eligible for ESY services but only 15 of those, only half of the parents of those students actually opted to send their students to ESY. What criteria were you using to determine eligibility at that point in time?

>> KRISTY BROOKS: At that point in time we were given guidelines on how a student could qualify for ESY as the team would discuss. It was things like they were making progress but they needed to continue to have those same goals worked on over the summer, or the team had a belief this they would lose the progress that they had made. So regression was one of the reasons that a team would send a child to the ESY, or qualify them to the ESY.

>> JENNIFER SMITH: And what did you use -- so you said discussion and belief, discussed at a meeting. What --

>> KRISTY BROOKS: And again --

>> JENNIFER SMITH: Before you cut me off, before the documentation and data requirements were put in, what did you base those beliefs? Whether a did you bring to the table to explain to a parent why you were recommending summer school?

>> KRISTY BROOKS: Oftentimes special education teachers, worked best when they had a student multiple years in a row. And it was a lot of students in our cluster program who would qualify for this. At that time we served about 26 students in a cluster program. And so if a teacher had a student multiple year, summer break was a good way to see where they were with their goals after summer break and where they were before. And so teachers would often bring data surrounding the goals.

>> JENNIFER SMITH: After the changes were made you testified that all -- that although the number went down, all of the students that the IEP teams recommended ESY services for, all those parents agreed and did follow through with the services. Is that an accurate description of what occurred?

>> KRISTY BROOKS: I believe it was. If it wasn't all, it was very close to all of the ones that qualified.

>> JENNIFER SMITH: I have no other questions.

>> NANCY KRENT: Thank you.

>> OLGA PRIBYL: I have one --

>> NANCY KRENT: I was going to ask how long. I do want to let the people who are listening to the stream that we are going to be running over from four o'clock. And if we -- if you have an idea, Ms. Pribyl about how long it would be that would be helpful. If not we let people know that we're going to continue, we do have a hard stop in about an hour. Want to make sure that we recorded that we stop --

>> OLGA PRIBYL: I don't think I will go more than half an hour. But I'm not going to -- crept cent just a moment. I just want to let the lawyers for CPS know -- you've got 16 minutes. From this witness. Right. And -- I was -- I meant to tell you after each one.

>> RICH COZZELLA: 16, so 25.

>> NANCY KRENT: We'll let you know again after this witness how long you will have. So we can keep running total in your own mind.

>> OLGA PRIBYL: Don't start my clock yet.

>> NANCY KRENT: Give you a moment to collect.

>> OLGA PRIBYL: Thank you.

Okay. I'm ready.

>> NANCY KRENT: All right. We're going to begin.

>> OLGA PRIBYL: Thank you. So you testified about the steps that it took to justify -- pardon me. The paraprofessional process. How long of a process was arranged from start to finish?

So at -- because you said there were a number of hoop, a number of different forms that you needed to go through.

>> KRISTY BROOKS: Right.

>> OLGA PRIBYL: What was the longest time that it took and the shortest time?

>> KRISTY BROOKS: I know there was one case, first day of school, so September of 2016, we had a student transfer into our school from out of district. And he was in what CPS called the cluster program, that was the equivalent of a program he came from in a different district. But CPS said we have to reevaluate at CPS. And see if he still qualifies for our -- what we consider a cluster program. So we agreed.

And the team did a reevaluation I believe in November. Part of a reevaluation of course is you have to follow up with an IEP. And so the student did receive a diagnosis of moderately cognitive delay. The teacher said you know right away, I think the paraprofessional is needed for the student.

It took the principal a very long time to do his paperwork side of the paraprofessional justification form. At that time I believe two observations were needed. The team could not finalize the IEP that was at first convened in November. And we finally got everything done and we tried to come back in January and finalize it once the principal was finished. At that time the SSM system had changed over winter break and we had to redo the entire IEP.

>> OLGA PRIBYL: So when was it finally finalized?

>> KRISTY BROOKS: In January, the end of January 2017.

>> OLGA PRIBYL: Thank you.

>> KRISTY BROOKS: The child did have a shared aide at that point but because we couldn't finalize the IEP, he could not receive a correct

school assignment from the CPS office of school assignment.

>> OLGA PRIBYL: And then when you testified about approximately 5,000 minutes, missing per week that you identified for the principal, did the principal do anything to address this or give ODLSS do anything to address the missing minutes?

>> KRISTY BROOKS: To my knowledge no appeal was ever filed from my school. And that is the principal's way to address the missing minutes. To appeal for more Special Education teachers, to my knowledge that was never done at my school. ODLSS representatives through my union committees, I had gotten to talk to some heads of departments, and I asked you know, what can I do about this?

And I actually had some heads of ODLSS come out and look at our schedules and sat with my principal and I. His first year at the school. And they left saying wow, yeah, you're right, you do need more teachers. And I kept you know following up, what's going to happen, like are we going to get our Special Education teachers?

And it was put back on me at that time the parks department position initial sis review I believe parks stands for and we never did get enough Special Education teachers.

>> OLGA PRIBYL: And then currently are you aware of the principal had asked for more positions?

>> KRISTY BROOKS: At this time I'm not aware that the principal has filed an appeal for more Special Education teacher, no.

>> OLGA PRIBYL: And then you also testified about personal experience with team decisions regarding denials for transportation, ESY, paraprofessional, and that there were some delays sometimes. What was, again, a range of delays for services force students to obtain services?

>> KRISTY BROOKS: If the team could not move forward for whatever reason, maybe the principal or network district rep didn't complete the paperwork, maybe they couldn't make the meeting, whatever the reason was, it could be delayed, you know, a few hour, while I tried to get somebody else on the phone to approve it remotely. Up until I had one case I know for transportation where it was -- the meeting was delayed another month until we could get the network district rep to agree to attend to reverse the decision that she made over email that the student didn't qualify for transportation.

And then even after a month when I had scheduled another meeting which the network district rep agreed to and the parent took off work again to come to that meeting, even at that time the network district rep did not show up. And so it took me about an hour and a half at that second meeting to get a different network district rep on the phone to approve it from OP.

>> OLGA PRIBYL: The case that you're talking about, was that student in danger by not having transportation?

>> KRISTY BROOKS: The student I'm talking about I don't recall if they ever cut transportation off. Because of his IEP, I try to set up my IEPs a month in advance in case something hike that happens, I learned the hard way. So I don't know if the IEP occurred and the -- fired and that's usually when they cut a end off from transportation if a current IEP expire, if it did the parent might have been able to get the student there or he might have missed school. I don't recall directly in the situation.

>> OLGA PRIBYL: Did he have a serious medical condition?

>> KRISTY BROOKS: That was a different case actually. But yes there are students with serious medical conditions. That also have transportations and 504 plans instead of IEPs, but yes there have been delays in students with 504 plans as well receiving transportation in my school.

>> OLGA PRIBYL: And you testified about that you know, you haven't attended that many IEPs this year, so you aren't aware of lots -- personally. But have others told you personally they attended meetings and incurred blocks in the system?

>> KRISTY BROOKS: Yes.

>> NICKI BAZER: This is not personal knowledge now, this is other people coming to meetings that this person wasn't at. This is hearsay. We're basically concerned about that.

>> NANCY KRENT: I'm going to ask that she testify if she has knowledge. That's why I asked her if she's been at meetings where this has happened.

>> OLGA PRIBYL: She has screen shots, though.

>> NANCY KRENT: I have no problem with her talking about screen shots because she has access to the SSM system. What I'm not comfortable to is her reporting what other people are telling her things that she is not part of. Makes had hard to ask questions in follow up. That was my concern.

>> OLGA PRIBYL: So everyone has been handed --

>> NANCY KRENT: I believe you've given us --

>> OLGA PRIBYL: I do have them.

>> NANCY KRENT: There we are.

>> OLGA PRIBYL: I don't know what they're numbered.

>> NANCY KRENT: Just what -- I don't believe numbers have been -- you just -- we just got them, we haven't put numbers on them yet.

>> OLGA PRIBYL: Okay. Perfect. So can you tell us ESY one, can you tell us what this screen shot is showing you?

>> KRISTY BROOKS: This screen shot is showing something that we weren't able to show you as the SSM demonstration we did a few weeks ago. I know CPS had submitted screen shots as well showing that teams could move forward with certain things now. This screen shot in particular was taken on March 16th in a current IEP.

And so this screen shot is showing if a team says does the IEP team contemplate ESY services may be needed, if a team checks yes to that and click on save done editing, you get the next one, ESY 2, immediately after clicking save, done editing, you get the name of the student is not recommended for ESY services. And that's probably because we didn't have the magic combination of whatever was needed to make it go through.

On the next one on ESY 3, this is a screen shot taken on March 12th of a different student. And on this one it says does IEP team contemplate ESY services might be needed. We checked yes. And you can see it says please see your district representative in order to discuss ESY at the IEP meeting. The next --

>> OLGA PRIBYL: Are these -- would you consider these blocks in the system that you just talked about?

>> KRISTY BROOKS: Anytime an IEP team cannot move forward, because it says that either the decision they are -- is not being saved in the system or it says you have to see your district rep in order to move forward, that's blocking the IEP team from moving forward.

>> OLGA PRIBYL: And then you also have a page that's titled transportation. Can you tell us about that page please?

>> KRISTY BROOKS: Yeah, so again it's something we weren't able to show with the live SSM demonstration. This screen shot in particular was taken on March 5th, 2018. On top there's a little part, does the IEP team have data to consider whether transportation services may be required. And of course we said yes. Then there's a CPS an automatic paragraph for presumption, the second question is, is the student eligible for nonspecial education transportation. We said no. And then it automatically comes up with in order to proceed with eligibility for transportation, a participation of the citywide district representative is needed.

>> OLGA PRIBYL: So again is this what you consider a block to the system?

>> KRISTY BROOKS: If the IEP team cannot move forward with their decision, this is blocking the IEP team from continuing.

>> OLGA PRIBYL: Thank you. And you talked about that a case manager can contacted the help desk in the 2016-17 year 20 times and the prior year you only contacted them three times, why was there an increase this the times you called the help desk.

>> KRISTY BROOKS: The help desk as alluded to is for technical issue, a lot of the blocks in 2016-17, I expected because we were told there was a new way to do things and we needed certain people to approve either principal or network district rep before moving forward so I didn't call for those things, I called for technical issues in the SSM system and it was due to this new rollout of the new format for Chicago Public Schools IEPs that produced a lot of technical issues. There are help documents that I was adept at using, and I would control F the help documents to get to where I needed to go. But the IT help desk was for technical issue, which as I said, there were a lot more of because of the roll-out of this new IEP system.

>> OLGA PRIBYL: Can you give an example of when you would call?

>> KRISTY BROOKS: So I would call on -- we returned from winter break in January of 2017. We had IEPs that were opened before winter break. Because teachers of course like to start writing IEPs before they're do, and I remember trying to finalize a lot of IEPs that January of 2017 and it wouldn't let us. So I would call for those issues and apparently the IEP had changed and there were some sections that were different now but because we had drafts open before the changes went through it caused max havoc.

Another reason we were told as part of the roll-out there were times we had to hold IEP revision meetings. Such as ESY we had to hold revision meetings between January and May 15th if the IEP was held in the fall. Anytime you opened up an IEP for revision there were a lot of technical issues that wouldn't let you finalize it.

>> OLGA PRIBYL: Do we need to stop or --

>> MATT COHEN: Stop the clock.

>> OLGA PRIBYL: Sorry; do you want me to go on?

>> NANCY KRENT: You should go on. I can --

>> OLGA PRIBYL: Okay. Thank you. And then you were asked about when you were adding principals to the 2016-2017 school year to the IEP invitation. Did the principal ever attend the IEP meetings.

>> KRISTY BROOKS: In 2016-2017?

>> OLGA PRIBYL: Yes.

>> KRISTY BROOKS: Yes, there were times the principal did attend. The principal could complete things remotely without attending the meeting. But I believe they were told they were not in agreement with what the team was trying to do, that they had to be in -- present at the meeting in person.

>> OLGA PRIBYL: So did the principal attend other than -- -- did the principal attend only when he was in disagreement with what the IEP team wanted?

>> KRISTY BROOKS: In the case of my school, in 2016-2017 I believe the only times the principal participated were when he was part of the IEP and did want to discuss further what the IEP team was trying to do.

>> OLGA PRIBYL: Okay. And then you also said that you were instructed to invite ODLSS representative. Under what circumstances were you told to invite them to the IEP meeting.

>> KRISTY BROOKS: We were told to invite network district representative to any IEP that had transportation services or we thought might have transportation services. Or in certain conditions for extended school year.

>> OLGA PRIBYL: And did anyone explain to you why all of a sudden they were supposed to be invited to the IEP meetings, or the circumstances?

>> KRISTY BROOKS: No. We were just told that we had to invite either a principal or a network district representative for certain circumstances and that there was going to be more data that they were going to have to look at and agree to before the team could move forward.

>> OLGA PRIBYL: And are these costly items for --

>> KRISTY BROOKS: Yes. For the ones -- the IEPs I believe they called them priority IEPs, and they told us as case managers to make sure we scheduled these first. Were any IEPs that had transportation services, paraprofessional service, particularly for principals to be involved in. Extended school year. And transportation. Or an LD initial or reevaluation case also, a principal had to be invited too.

>> OLGA PRIBYL: And then you have talked about or testified at length about the one student where you -- or the team had been requesting a therapeutic placement for about two years. And you indicated that your thought was that it was not making progress if the student wasn't making progress and also was -- or let me -- let me restate that. In general you testified that a student was making progress and they have to be safe. And then you wouldn't feel that they needed to change their placement; is that correct?

>> KRISTY BROOKS: Correct.

>> OLGA PRIBYL: Okay. And if a student isn't safe and they're not functioning properly, are they --

>> KRISTY BROOKS: No.

>> OLGA PRIBYL: And if a student -- this particular student --

>> NANCY KRENT: We're not going to answer questions about this particular student.

>> OLGA PRIBYL: It's in the affidavit.

>> NANCY KRENT: You were about to ask questions about the needs of a particular student and I'm not comfortable with us going there in an open hearing.

>> OLGA PRIBYL: Okay. And then you testified about a number of student the that were found eligible for ESY and that there had been a

drastic cut in the amount that was found eligible in the 2016-2017 -- I'm sorry, yeah, 2016-2017 year.

Why was there a reduction in the number that were found eligible?

>> KRISTY BROOKS: I spoke with a special ed teachers about the ESY grade criteria and they were having a hard time getting the data to fit in the boxes that CPS had set forth for ESY. And it was very frustrating to them. There also were care professional data and they couldn't do all of it for everybody, I think. And so they did lament to me sometimes that man like I wish I could have like gotten this child eligible for ESY but I wasn't able to -- to get everything that CPS wanted in the right way. And in the right data format. And so unfortunately we weren't able to make a case for ESY.

>> OLGA PRIBYL: So did they express to you that they didn't think these children needed ESY any longer?

>> KRISTY BROOKS: No.

>> NICKI BAZER: Again, objection, she's talking about what other people are telling her.

>> NANCY KRENT: My understanding those had to do with the students on her particular caseload during that time. But if that -- if I was not understanding that correctly, then I would ask you not answer further questions about --

>> KRISTY BROOKS: No, that's how -- and these were during IEP meetings, conversations where I took place and that I was part of.

>> OLGA PRIBYL: And then I have general question, has CPS tracked when kid he is get related service minutes.

>> KRISTY BROOKS: CPS does track when kids death related service minutes because they have to track their -- upload their service minutes. I know clinicians have a report they can pull that shows the percentage of student the that they service on their caseload.

>> OLGA PRIBYL: And does CPS track when kids get instructional minutes in.

>> KRISTY BROOKS: Not that I'm aware of, no, CPS does not track when students get instructional minutes from their teacher or professional.

>> OLGA PRIBYL: Is there any way to tell whether a student is getting instructional minutes?

>> KRISTY BROOKS: The only way to tell if a student is getting instructional minutes is if the IEP team collects their own data.

>> OLGA PRIBYL: Okay. And how about for paraprofessional minutes?

>> KRISTY BROOKS: Same with paraprofessional. Only way to tell is if the student is getting extra service, is if someone on the IEP team or the paraprofessional themselves collects that data.

>> OLGA PRIBYL: And what role did your principal play in renewed policies in 2016-17 that were being implemented?

>> KRISTY BROOKS: Principals had to be invited for any case of LD initial or reevaluation. Any case that involved a paraprofessional, and some pieces of ESY.

>> OLGA PRIBYL: And did he ever mention data collection to the staff and to you.

>> KRISTY BROOKS: He mentioned data collection a lot, yes.

>> OLGA PRIBYL: Okay. And were there staff meetings about data collection requirements and what he wanted you to do?

>> KRISTY BROOKS: To my knowledge there were no staff meetings about data collection. I know Special Education teachers often asked what data does he want, what data to collect. But not that I know of was



there a whole staff meeting around it.

>> OLGA PRIBYL: Were there staff meetings or instructions from the principal about the new policies that were starting in 2016-2017.

>> KRISTY BROOKS: To my knowledge there was no staff meeting put on at our school about the ODLSS changes in 2016-2017.

>> OLGA PRIBYL: And any direction given from your principal to you and staff about the new policies and procedures?

>> KRISTY BROOKS: No direction given in general about the new policies and procedures. I asked the principal if it was okay to invite via Google calendar, and set up my Google calendar a semester ahead sometimes, so at the very least we tried to give at least two months advance notice, except of course for the IEPs that were due right away in September.

>> OLGA PRIBYL: And did the district rep come every time you asked him or her to be there?

>> KRISTY BROOKS: So I went back in -- added in a district rep once I found out at a case manager meeting in 2016 that we were supposed to for those circumstance, I have already laid out because I wanted to get my request in first so that we wouldn't have to delay or move around IEP meetings, because there's not enough room in our schedule to do that. And most I would say the district rep attended. There were some that she did not attend.

>> OLGA PRIBYL: Okay.

>> NANCY KRENT: We're going to ask to be finished at 4:30, so just let you know. I don't know how many more questions you have and I want to make sure that...

>> OLGA PRIBYL: I just have one right now.

>> NANCY KRENT: Perfect.

>> OLGA PRIBYL: Several, sorry. If the DS wouldn't attend the meeting what was the range of delay in rescheduling.

>> KRISTY BROOKS: A case I talked about earlier there was about a month delay. But there weren't very many at the district rep did not attend. During the 2016-2017 school year.

>> OLGA PRIBYL: Were there cases where the IEP team felt they had a strong basis to prove a service where you felt the DR or principal disregarded the IEP team's concern.

>> KRISTY BROOKS: There were. There was a time where the IEP team wanted to include an alternate assessment for a student and they -- the district rep would not let us include that part. I think that's one of the cases that stands out at the time where the IEP team never actually got that in the IEP.

>> OLGA PRIBYL: And if the district rep was the own one not in agreement, what happened?

>> KRISTY BROOKS: In general or in that particular case?

>> OLGA PRIBYL: In general.

>> KRISTY BROOKS: In general what could happen is that if the network district rep was the one signed in as the LEA, the one who could give services and deemed that what they were agreeing to provide in faith, then they could move forward with their decision and the rest of the IEP team who was not in agreement could write a dissenting opinion.

>> OLGA PRIBYL: And the same question if the principal was the ohm one in agreement, what happened?

>> KRISTY BROOKS: The same answer. If the principal was the LEA

rep, district representative at that particular meeting and they did not agree with what the team wanted, that was necessary to provide FAPE, they could go ahead with their decision and the rest of the IEP team who disagreed with the principal could write a dissenting opinion.

>> OLGA PRIBYL: Were the priority IEPs -- can you just list them for me what they were.

>> KRISTY BROOKS: Priority IEPs which we were told to stand Yule first were IEPs that needed transportation, paraprofessional services, extended school year, or an initial or reevaluation for a learning disability.

>> OLGA PRIBYL: And were these all areas where more data was being required?

>> KRISTY BROOKS: Yes. All -- all four areas. Although I was never really certain what cry -- what data needed to be collected for transportation. But...

>> OLGA PRIBYL: So in the cases -- I'm sorry, going back to the answer that you gave, in cases where the district rep or the principal disagreed, they overruled an entire IEP team, is that correct.

>> KRISTY BROOKS: That could happen, yes. I question what to do. If I were a case manager at that meeting. So I did ask a lot of questions around that. And that's the answer I was given by an ODLSS department head.

>> OLGA PRIBYL: So they had final decision with that --

>> KRISTY BROOKS: Correct.

>> OLGA PRIBYL: Thank you.

>> NANCY KRENT: All right. No further questions?

That was 26 minutes. In case you're keeping track for yourselves. All right.

>> RICH COZZOLA: With a half minute subtracted.

>> OLGA PRIBYL: What's that?

>> RICH COZZOLA: 26 minutes with the half minute subtract for --

>> NANCY KRENT: CPS has no further questions.

>> RICH COZZOLA: I have a couple of short questions, I don't know if the answers will be short but hopefully they will. At some point when discussing the outcome of the situation -- the long situation we talked about November to end of January to the paraprofessional assigned to the student, you said something about that led to the student not getting the correct school assignment. As much as you can kind of define that term, correct school assignment without getting into the facts of the case, what did you mean?

>> KRISTY BROOKS: So for students who needed certain cluster rooms, that all schools in Chicago public don't have, my school does have cluster program, but we stop at 5th grade. And so for a student who needs a cluster program that's not available at the school you have to go through the CPS's school assignment department. And you're not allowed to do that of course until you have finalized IEP.

>> RICH COZZOLA: So that led to avoiding that process.

>> KRISTY BROOKS: Correct.

>> RICH COZZOLA: You said on the more special ed teachers and more special ed seekers issue, there was -- you had the ODLSS rep saying yeah you need more teachers and paraprofessionals, correct?

>> KRISTY BROOKS: Who --

>> RICH COZZOLA: An ODLSS person was at your school and said yes you do need more.

>> KRISTY BROOKS: Yes. I had three of them actually, yes.

>> RICH COZZOLA: Okay. And then but the Parks system, which was deciding at least in that year staffing. Schools, would have to be accessed for your school to ask for that, is that right.

>> KRISTY BROOKS: The three ODLSS reps I had said we have recommended to the Parks department that you do get these. Additional teachers and -- but that never came through.

>> RICH COZZOLA: The ODLSS rep said they had represent recommended, was that 16-17 year.

>> KRISTY BROOKS: No, that was three years ago.

>> RICH COZZOLA: So that was not the time period. Okay.

>> KRISTY BROOKS: Can I have one clarification about the staff needed? With IEPs?

That doesn't fall under vacancies. So vacancies in CPS, from what I understand, are only are for positions that are like said yes, there's a position that's needed here, we have a -- said that the school deserves another maybe stew special ed teacher positions once those positions are given and they go unfilled that's considered a vacancy. For a position that's never given like at my school, I don't believe there are any Special Education vacancies at my school because there are no positions opened. So these are not counted in the vacancies.

>> RICH COZZOLA: Okay. Let me just check...again, without getting into the details of the case, on the transportation slide example that you have, was this for transportation to your school or to a different school?

>> KRISTY BROOKS: For a student who attended my school to transportation to my school.

>> RICH COZZOLA: Was the student in cluster or noncluster?

>> KRISTY BROOKS: Noncluster.

>> RICH COZZOLA: And was neighborhood student or nonneighborhood student?

If you know. If you don't know, don't guess.

>> KRISTY BROOKS: Let me look at the date and see. This was screen shot was done on March 5th. I don't recall if this was a neighborhood student or not.

>> RICH COZZOLA: Okay. Thanks. That's all I have.

>> NANCY KRENT: All right. Thank you all. It is 4:22. Appreciate your indulgence in staying late. And also my real appreciation to both parties for moving quickly so we could get through today. It was a very full day. We will start bright and early at 9:00 a.m., start with Mr. Bowen. And hopefully we will proceed --

>> MATT COHEN: Can we have the order and times?

>> NANCY KRENT: I have the order. I can't give the time because if you asked me today I would have given different times. We will start with Mr. Bowen, next follow immediately with Mr. Christine. Time constraints, our next witness will be Mr. Volan. He has time constraints as well. We're going to try to balance those as well. Followed by I think Miss Tsitsopoulos and Miss Sally Tabatsalis. And we will get all of them done by four o'clock at the latest. Everyone will talk not too fast but fast enough.

>> OLGA PRIBYL: Can we leave our files here?

>> NANCY KRENT: I will speak with the parties about any procedural things off the record. I want to let us shut down first. Thank you all. See you tomorrow.

-END-

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