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>> NANCY KRENT: Good morning. Welcome back everyone. I hope you had a good weekend. For those of you who are joining us today, this is the third and final day of the public hearing portion of the ISBE public inquiry into the special education policy and procedures in the Chicago Public Schools.

I'm Nancy Krent, I'm the facilitator of the public inquiry. With me on the panel are Rupa Ramadurai, the ISBE representative on the panel, and Rich Cozzola, the advocacy groups representative on the panel. I'm going to ask the parties to introduce themselves.

>> OLGA PRIBYL: I'm Olga Pribyl with the advocate.

>> MATT COHEN: Matt Cohen for advocates. Kendra Yoch, for CPS. Nicki Bazer for CPS.

>> NANCY KRENT: We want to extend our thanks to Chicago Kent College of law for welcoming us to their facilities today. We welcome law students who may be here to observe the process.

Couple housekeeping notes before we begin. Please make sure your phones and other devices are either off or on silent mode. Please remember that there will be no flash photography to avoid distracting those who will be testifying. The event is being live streamed on the ISBE website, you can find that at www.ISBE.net/publicinquiry. There is a closed captioning option available and recording of the hearing will be posted at the same website.

Please remember that beverage right side allowed in the auditorium, but that food is not.

Please be respectful of our host and observe those rules.

The restrooms are located past the stairs and the elevators.

We'll go a lot faster if -- I've lost my voice.

As a reminder, all members of the public and the media are welcome to attend, however there will not be public comment at any point during the hearing. I scared myself -- getting my voice back. All right.

We're going to begin.

The witness has been sworn in. Ms. Gibbons, welcome. Thank you for coming to testify today. We want you to know that we read all the materials that you've submitted, and narratives with them. So if there are things we don't ask you about, that doesn't mean we're not interested in them or that we don't consider them important. It just means that we're going to focus only on the things that we think are still important or relevant. All right?

>> KATHLEEN GIBBONS: All right.

>> NANCY KRENT: Our practice with each witness, this is more like a legislative hearing is to allow you to make a brief five minute opening statement, if you'd like to convey to us about the issues that are under review and then I'll be asking you a number of questions.

>> KATHLEEN GIBBONS: Morning. My name is Kathleen Gibbons; I'm one of the senior assistant general counsel for the Board of Education in the City of Chicago's law department. I'm happy to answer any questions from the inquiry team that relate to the -- -- that might relate to the SSM system and the history of the development of the procedural manual as covered in my affidavits and discussed that the SSM demonstrations. SSM is the system that was developed by the Chicago Public Schools to ensure that the IEP documents developed are consistent with the IDEA and state law and to enable IEP teams to document decisions about individual students.

Procedural manual provides guidance to IEP teams on how to develop IEPs that are high quality, data driven and legally compliant. With the population of students with disabilities over 50,000 students attending over 700 campuses, the SSM system and the procedural manual help to provide consistency in the processes used to determine services, provide guidance to team members, on rules and responsibilities, ensure that decisions are driven by data and provide a structure of accountability.

I am not able to though to discuss any advice or opinions that I have given to CPS in my role as counsel and legal advisor, I cannot and will not discuss any privileged conversations or work, and I appreciate that the inquiry team and parties will respect the boundaries of the topics on which I can provide testimony. And as you can tell I also have a cold so I will try very hard not to lose my voice as I answer the question, and if you can't hear me, please let me know.

>> NANCY KRENT: All right. Thank you.

Ms. Gibbons, at some point I will be referring to documents, and all of those binders are behind you. But in effort to speed things up today, the copies of the pages I'm going to be using are right there in front of you. And hopefully in the order in which I'm going to be using them.

>> KATHLEEN GIBBONS: Okay.

>> NANCY KRENT: It will be a while before I get to those but I wanted you to know where they are. I do want to start with questions about the functioning of the SSM system. And we saw how the pull-down for documents and stuff works, but we want to make sure that we know how these -- all the pieces function together.

So the first -- it's sort of a technical question. The notes page. We saw the notes page as one of the eye at the presents that you can pull down on the menu.

Does that print as part of the IEP if I were to hit the button that

said print the IEP, does the notes page print, then, or do you have to print that as a separate document and then staple them together?

>> KATHLEEN GIBBONS: When you drop down to print there is an option that says print all sections, and if the note page was clicked, and completed, it would print as part of the IEP.

>> NANCY KRENT: Okay. And when the IEP is saved in the system, then, as a document, and someone wanted to go back and then open the IEP, is the notes page attached to that or do -- would the person need to open that as a separate document?

>> KATHLEEN GIBBONS: No, you would go into the IEP, click on the IEP and then when you open it, it will show all the different sections. And the notes if they were completed and finalized would be one of the sections you could click on to.

>> NANCY KRENT: Okay. And would it be apparent when you opened it that the notes page had been complete moped?

>> KATHLEEN GIBBONS: Yes, because if it didn't, IEP notes would not appear.

>> NANCY KRENT: Got it. Okay. In her testimony last week, Dr. Keenan referred to something she referred to as a notes document. Is the notes document something else, or...or is there not a separate document called "notes."

>> KATHLEEN GIBBONS: It's a separate page so she may have called it a document, because it's a separate page, unlike a section of the IEP, such like section 7, which -- considerations, has to be filled out in every IEP meeting. The notes page does not the IEP elects whether to create that page, as the dissenting opinion page doesn't need to be created for every IEP.

>> NANCY KRENT: Okay. Great. That leads me right into my next question. So we understand there's all -- there's a parent concerns, is that a separate page or is that a section of the IEP itself?

>> KATHLEEN GIBBONS: Parent concerns is in Section 7, at the bottom and Section 7 is general considerations. And that builds the foundation of the IEP and it starts with student strengths and goes through academic functional, developmental, medical, communication, and then ends with parent consent.

>> NANCY KRENT: Got it. There's parent concerns, there's the notes page. You mentioned a dissent page. And we've heard of something called an event log.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Can you explain how those four all work together and what's supposed to go in which?

>> KATHLEEN GIBBONS: The principal concerns must be completed for every single IEP because it is part of the foundation page or foundation section of section 7 general consideration. And that is the parents words and so the IEP team is just to transcribe whatever the parents need -- want in there and that's totally parent-driven. And that must be completed for each section and if the parent has no concern, it would write parent voice no concerns. The IEP notes page is to be used by the IEP teams to reflect any discussions that were had at the IEP that did not make it into the document itself.

So I talk about different methodologies or some different data or anecdotal information was shared, that's not actually reflected, but they want to remember it was discussed, that should be put into the notes page.

A dissenting opinion page is for any one, whether it's the parent or any individual, any IEP team member to voice their disagreement with any part of the IEP. The dissenting opinion page, if the parent has come in or usually it's done after the meeting, some miss written dissenting opinion, that's actually not put on the dissenting opinion page, that's uploaded and attached to the document. So a parent's dissenting opinion can be attached that way.

And then the last one was the event log.

>> NANCY KRENT: Yes.

>> KATHLEEN GIBBONS: The event log is not part of the IEP document itself. That is for the -- a case manager, district representative to memorialize the different events that have occurred such as the dissenting of the notice -- the sending of the notice of conference. That is before we had a notes page, often where some of the notes were captured, of discussions, that did not make the IEP. And then we -- when we realized that, that's when we developed the notes page for the IEP teams.

But the event log is not part of the IEP document itself. So that would never print out when you hit print for an IEP.

>> NANCY KRENT: Okay. And is there a place where staff members are given guidance as to which of those pages they're supposed to use for which purpose?

>> KATHLEEN GIBBONS: Yes. Procedural manual goes through all the parts of the IEP. And that's been in since I've started at CPS, the procedural manual has talked about all those different sections, they just were given different names in the past. And then SSM system has SSM announcements, and help documents. So whenever a new document or section of a document is created or if it change -- a change has been made to an existing document, a SSM announcement and/or a help document is created and sent out through the SSM system.

>> NANCY KRENT: And who do those go to?

>> KATHLEEN GIBBONS: All staff. Who -- well, all staff who have SSM access, which should be all Special Education teachers, all related service providers, all the case managers, and all the principals. And then the principal decides for access for the different general ed teachers.

>> NANCY KRENT: Okay.

>> KATHLEEN GIBBONS: But it's recommended the general ed teachers also get access to SSM so they can put their pieces in.

>> NANCY KRENT: Okay. And in addition to putting it in the procedural manual is training given to staff on the functions of these different pages and sections in the IEP?

>> KATHLEEN GIBBONS: It has been.

>> NANCY KRENT: When?

>> KATHLEEN GIBBONS: Throughout my whole career we've done different trainings on the different parts and the different documents, if IEP documents have changed. Current Dr. Keenan and I are doing -- we had hoped monthly webinar, it's not been quite every month during the school year. We're actually walking through the new procedural annual and the new Section 504 document. And so we do a webinar that the principals are given notice to, and from the people who spoke, it's usually the principal, the AP, or often the Special Education teachers.

The ODLSS district representatives do case manager meetings. And at those meetings they share any updates or changes and then it's

anticipated that the case manager would then take it back down to their school staff, T PAC is historically used the trainer models, so you let the case managers know then they're supposed to bring it down to the school level.

>> NANCY KRENT: Okay. Are the webinars held during the school day or after the school day?

>> KATHLEEN GIBBONS: During the school day. They're -- I think noon. Either noon or one o'clock. They're in the middle of the school day.

>> NANCY KRENT: Okay. And are case managers released from -- -- are case managers released from their responsibilities to attend these?

>> KATHLEEN GIBBONS: That would be up to the principal.

>> NANCY KRENT: Okay. And you said that the procedural manual explains the different purposes of different pages.

>> KATHLEEN GIBBONS: Yeah.

>> NANCY KRENT: How do parents know what the purpose of each page is?

>> KATHLEEN GIBBONS: That is also changed -- historically at one point we did have a parent advocacy group inside of CPS that provided --

>> MATT COHEN: I can't hear.

>> KATHLEEN GIBBONS: Sorry. At one point we had a parent advocacy group inside of CPS that provided training to parents during budget cuts that unit got cut out. It's my understanding that Dr. Keenan is bringing that back and she's not -- if she's already not brought it back. And that would be the group that we would use to reach out to the parents, to make sure the parents are made aware of all the different processes and all the different things available with special ed for CPS.

>> NANCY KRENT: Dr. Keenan testified she's hoping to start that group next month. I guess my question is from the fall of 2016 to today, how do parents get that information?

>> KATHLEEN GIBBONS: The only way would be through the website, if they went on to the website and then if an individual school did some kind of parent outreach or training. But I'm not -- I don't know of any specific one.

>> NANCY KRENT: When you say go to the website, do you mean go to the CPS Web side and find the procedural manual?

>> KATHLEEN GIBBONS: Well, go to CPS.EDU, and put in special education, you'll come up with an ODLSS page. And at different points in time during your time frame, different documents were up there.

>> NANCY KRENT: Let's talk about those for a minute. It's my understanding that the 2016 manual was up one day. And then taken down. Is that correct?

>> KATHLEEN GIBBONS: Yes. That's my understanding.

>> NANCY KRENT: And that from that time until February of 2018 was there any manual that was externally posted?

>> KATHLEEN GIBBONS: I thought the July 2017 one was, but I honestly never went and looked.

>> NANCY KRENT: Okay. And the July 2017 one did not contain section -- the guidance documents; is that correct?

Those are separate.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Do you know whether the guidance documents were

posted in July of 2017?

>> KATHLEEN GIBBONS: No, they were not.

>> NANCY KRENT: Are they posted now?

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: Were they posted in conjunction with the February 2018 annual?

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: So between the fall of 2016 and February 2018, that information on those -- on the topics that are covered in the guidance, that was not available to parents; is that correct?

>> KATHLEEN GIBBONS: No, because it's embedded inside the procedural manual. The guidance documents goes into a little more detail than the actual SSM system. But paraprofessional, extended school year transportation are all part of procedural manual. So it would have been in the July 2017 manual.

>> NANCY KRENT: Okay. But the July 2017 manual on those topics didn't describe in any way the data and documentation that was -- those were contained in the guidance; am I correct?

>> KATHLEEN GIBBONS: No, I don't believe so. I believe the manual had some information, but not as in depth.

>> NANCY KRENT: Okay. All right. Thank you.

As we understand it, in 2016 as part of the changes that were made, the SSM system was changed to require that in many circumstances the district representative and in I believe one case the principal enters some sort of authorization or something into the system to allow IEP teams to utilize or access certain pages or to make certain decisions; is that correct?

>> KATHLEEN GIBBONS: I wouldn't phrase it quite that way, but the --

>> NANCY KRENT: Lean in.

>> KATHLEEN GIBBONS: Sorry. For certain issues, a test, paraprofessional, the principal was to confirm that data had been collected to enable an IEP team to make that discussion and to have that discussion. And then for the ODLSS District Representative, depending on what point in time we were talking about, they also had to confirm whether data was available to make a discussion or else attend -- and both for the principal to have been -- that that data would enable an IEP team to have a discussion, they had to attend the meeting.

>> NANCY KRENT: Okay. I think that wasn't quite my question. But I'm going to get into the things that you were talking about. I guess my question first of all is simply sort of a chain change to the SSM system itself. And whether it's confirmation or review, whatever term we're using, am I correct that in 2016 the system was changed so that certain things on the system weren't available to the team unless that confirmation or review had somehow been entered into the electronic system by someone else?

>> KATHLEEN GIBBONS: For some areas it was a change, for other areas it was not a change. A separate -- place them in a separate day school -- placement in a separate day school has always been required that the -- with the office of special ed services and the office of special education and supports and then became the office of diverse learner supports and services. That either regional specialist, a special education administrator are now called the District Representative, whatever that title became had to be at the IEP meeting

to act as a district rep or to have confirmed ahead of the meeting that the IEP team had sufficient data within which to make the district placement.

And then that was also required by the Illinois State Board of Education regarding the alternate assessment. So those were not changes made in 2016.

>> NANCY KRENT: Okay. Just so I'm clear, right now just asking sort of a technical question. The -- so prior to 2016 the SSM system, or whatever it's electronic precursor was, would not open that data at certain points. That's my question now. Is just -- I understand that you're saying that CPS's policy prior to 2016 was that those people needed to be there. My question is about the SSM system and how it works electronically.

>> KATHLEEN GIBBONS: Prior to 2016 for those two areas it would not open unless you had the right District Representative there or had gotten them the data ahead of time. And then in 2016 additional areas were added.

>> NANCY KRENT: Got it. Okay.

Can you -- can you explain what the rationale was for CPS deciding to add those additional areas to that electronic switch, let's call it?

Because I -- I know that there's some disagreement between what to call -- what that process -- but the electronic requirement.

Starting with transportation, a number of transportation decisions apparently were added to this electronic requirement in 2016. Why was that done, if you know?

>> KATHLEEN GIBBONS: My understand -- I wasn't in all of the meetings regarding transportation, but my understanding was with charter schools, in particular they wanted to make sure again we had the right IEP team members and that would require the central office district representative to be part of those IEP team decisions regarding charter school transportation.

>> NANCY KRENT: My understanding is in 2016 the district representative was required to enter that review notice for all related transportation decisions. Is that wrong?

>> KATHLEEN GIBBONS: I believe that's wrong. I don't believe it was all. I know it was charter schools and for one small period of time it was if the child was at...I think it might have been a school of choice, so like a magnet school.

>> NANCY KRENT: And what about option schools?

>> KATHLEEN GIBBONS: That's -- those are schools of choice. Or -- currently now option schools are actually the alternative schools.

>> NANCY KRENT: Okay.

>> KATHLEEN GIBBONS: They used to be called option for knowledge schools, those are magnet and selective enrollment schools now.

>> NANCY KRENT: When the documentation that we're reviewing says alternative schools, option schools and charter schools, what does the options mean in that context?

>> KATHLEEN GIBBONS: That's the -- the alternative schools, the...that you elect schools.

>> NANCY KRENT: Okay. And am I correct that at the present time still the district representative -- the system requires that the District Representative enter something or sign in in order to allow the team to consider transportation in -- for those schools?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Okay. And why is that?

>> KATHLEEN GIBBONS: To ensure that we have the right IEP team members at the meeting to make -- they have to make decisions and send to the school -- it's just like with the separate day placement you're committing services beyond what your school might have. And so we need to know what's available for the district.

>> NANCY KRENT: And it's my understanding that 2016 schools of choice were included in the areas in which a district representative had to participate in the transportation decision for FAPE based transportation.

Can you explain why?

>> KATHLEEN GIBBONS: That I cannot, no.

>> NANCY KRENT: And it's my understanding that when student is going to be dropped off at a location other than his or her home, District Representatives have to do that electronic sign off. Do you know why?

>> KATHLEEN GIBBONS: I apologize. I forgot about the purple form. For the early childhood students who want to -- who are going to a head start program, half a day with us and half a day at head start. And the transportation is to take them from CPS to the head start, they also want to make sure that we have the right district representative at the table to commit the services to make sure the child's getting right service, the right transportation. So it would be for the same reason. But it's not drop off and pick up at a different area. Because that's the blue form and they don't need the District Representative for that.

>> NANCY KRENT: All right. Let's...all right. Let's flip over -- and I'm sorry, not going to go in order.

>> KATHLEEN GIBBONS: Okay.

>> NANCY KRENT: But halfway down the packet, which I think is a little bit further, it's CPS 1283. It's entitled DR transportation we view form.

>> KATHLEEN GIBBONS: This one?

>> NANCY KRENT: That's it. So these are the documents that CPS provided us as being current screen shots as of February. So this one is for transportation. Am I correct?

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: And it says FAPE based transportation and pickup drop off change.

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: So is that for any child who needs a pickup or a drop off change.

>> KATHLEEN GIBBONS: No, that's the purple form for the early childhood students.

>> NANCY KRENT: How does a team know that?

>> KATHLEEN GIBBONS: Actually when you're filling out the IEP I believe it pops up it could be a potential purple form.

>> NANCY KRENT: Underneath it says transportation as a related service.

>> KATHLEEN GIBBONS: That's for the charter schools. The contract and the options school.

>> NANCY KRENT: How does a team know that that's the only one it's for?

>> KATHLEEN GIBBONS: I believe it's in the guidelines and the procedural manuals to -- the ODLSS District Representative there, it's

in the rules and responsibilities.

>> NANCY KRENT: What is the -- what is the -- what is the District Representative doing that leads to them checking off the form? What is said to them and what are they looking at?

>> KATHLEEN GIBBONS: The IEP team can either just say we want you at the meeting and then they get a notice to go to the meeting, or they can say this is all of our data, and it would be whatever data information the IEP team has regarding these two issues. And give it to the district rep and if they look at it, say oh, they ask make a decision, they can commit the services, they can say go ahead or else they're like no I want to be a part of the discussion I need to be at the meeting.

>> NANCY KRENT: So they're making some sort of initial substance of -- judgment that either A, this looks fine to me, there's sufficient data to justify; or they're deciding there's not sufficient data in my opinion to justify, so I want to come and talk to the team and find out more. Is that right?

>> KATHLEEN GIBBONS: Would it be sufficient data to make the decision, the decision doesn't have to be yes from the IEP team. It's just that they have the appropriate data to make a transportation-based decision. Whatever that decision is, either yes or no. And the data you've given me, that is there.

>> NANCY KRENT: Presumably the team isn't notifying the District Representative if their -- if they don't think the kids deserve -- they don't think the kid requires transportation at all, they don't even need to contact the district rep, why right?

Why would they bother, they're not going to approve it anyway.

>> KATHLEEN GIBBONS: Well, no, the parent may have said I want to talk about transportation. My child's annual IEP meeting, the school's like we don't think you get transportation. I want it. So like okay, we got to make sure we got the right people there.

>> NANCY KRENT: Got it. So it's one of two situations. Either the team thinks that they want the transportation, and they notify the district representative or the parent is pushing for it and the team doesn't think that it's useful but they want to make sure that they followed all the proper steps. And so they involve the District Representative.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: All right. In the circumstances I -- I assume this is the bulk of circumstances where the team is intending to -- where the team thinks they're probably going to want to consider and probably add that service, again, my question is: Isn't the district representative making some initial substantive decision, I think there's enough here, so you don't need me? Is if they're not coming?

>> KATHLEEN GIBBONS: Yes. But they're not making the decision as to whether or not the child gets transportation. It's whether there's enough data to have a meaningful discussion.

>> NANCY KRENT: Okay. And it's not just a quantity, it's the quality as well. It's not -- I see six pages and six pages is what I need, you only sent me four, I'd say no.

>> KATHLEEN GIBBONS: It should be more.

>> NANCY KRENT: They should look at both the quality and the quantity. Is that right?

>> KATHLEEN GIBBONS: Right. So it's sufficient to make whatever

decision they're looking at.

>> NANCY KRENT: Got it. Okay. For transportation from the fall of 2016 when the SSM system began to require the form that we just looked at to be entered in, have there been any changes in the SSM system with regard to the transportation side?

>> KATHLEEN GIBBONS: In the fall of 2016? Yes.

>> NANCY KRENT: And what are those changes?

>> KATHLEEN GIBBONS: The transportation party -- the preschool children was changed, and to be -- and transportation for the neighborhood and school of choice children.

>> NANCY KRENT: Okay.

>> KATHLEEN GIBBONS: Was changed in --

>> NANCY KRENT: When you say changed and tweaked, what do you mean?

>> KATHLEEN GIBBONS: Uhm...more -- well, one, the district representative is no longer needed for magnet schools, selected enrollment schools. And following meetings with advocacy groups and the CTU, I believe the language to the questions, some of that was changed, some of the verbiage, the yes -- leads to the yes and the no.

>> NANCY KRENT: Okay. And if I'm correct, the District Representative also needs to be involved and review when there's -- what are referred to as special circumstances for transportation. Is that correct?

>> KATHLEEN GIBBONS: Oh, that -- yes, that's usually following the due process hearing or something like that. Or if a child is in crisis, and so it's complete exception to all of the rules, but the child's in crisis, everyone believes that for their best interest, it might not even be FAPE based but to get the child safely to and from school the District Representative can make sure that the transportation system will work correctly. So the IEP team can make whatever decision they need to make.

>> NANCY KRENT: Okay. What about for bus aides?

>> KATHLEEN GIBBONS: I believe that also changed since fall of 2016. On the district representative is no longer needed for bussing.

>> NANCY KRENT: When did that change occur?

>> KATHLEEN GIBBONS: I apologize. It's hard for me to know exactly when it goes -- the term comes from when I'm involved to when it goes in the system. There's a delay. So I cannot tell you when it actually reached the school level.

>> NANCY KRENT: Can you give us an approximation?

>> KATHLEEN GIBBONS: I believe this entire school year they've not needed it. And I think the change went in probably a year ago, about now. I want to say it went into that. End of the '16-17 school year, but I can't swear as to the time frame.

>> NANCY KRENT: Okay. And what about when transportation was needed for FAPE because of the student's behavior? Was that -- is that something that did or does now require the involvement of the District Representative?

>> KATHLEEN GIBBONS: No, I don't believe that ever required the involvement of the District Representative.

>> NANCY KRENT: And what about transportation when it was for a sensory or intellectual need? Which I gather is a separate category on the form.

>> KATHLEEN GIBBONS: No, I don't believe that ever needed a district representative either. Those are the questions that lead up to when

the child's learning -- well, I guess it would have been if the child was at a magnet school or selected enrollment school. But that -- those are part of the questions for children at the neighborhood and schools of choice.

>> NANCY KRENT: Okay. It's my understanding from Dr. Keenan's most recent affidavit that some of these are going to be now changed and the authority for the review will be given to the principal or assistant principal; is that correct?

>> KATHLEEN GIBBONS: That's what Dr. Keenan has said. I don't believe any of those changes have been made yet. But yes, I heard Dr. Keenan say that.

>> NANCY KRENT: Okay. So you don't know when those changes are scheduled to be made or whether a final decision has been made on those?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Okay. All right. Let's switch over to the topic of paraprofessional. So was it the fall of 2016 when the district representative review became required for the assignment of a paraprofessional on an IEP?

>> KATHLEEN GIBBONS: It was the principal.

>> NANCY KRENT: Isn't there also a District Representative review?

>> KATHLEEN GIBBONS: On para J form -- I thought it was always the principal. The principal was to confirm that they needed -- or that they had the sufficient data. And that the number of days changed.

>> NANCY KRENT: Hang on one second.

>> KATHLEEN GIBBONS: I don't know if under one of your original ones it was the ODLSS district brought them in quickly with the principal.

>> NANCY KRENT: Okay. If you look at CPS 849, paraprofessional justification due process form.

>> KATHLEEN GIBBONS: Oh. I'm sorry. That's any special circumstances the ODLSS district rep needs to be there. So special circumstances are -- were being driven by an outside force, like a due process order. Saying you need it. But that would be the only reason.

>> NANCY KRENT: Okay. If you look at 849...it's one of the screen shots. It's about six pages from the top. Yeah. That one of the.

>> KATHLEEN GIBBONS: Okay.

>> NANCY KRENT: All right. So it says I have reviewed -- in this case John Doe, John's file and agree that the IEP team has necessary data to discuss the need.

If -- if this is a case where a hearing officer has ordered you to give someone a paraprofessional, which I guess is what you're saying that's the purpose of this form -- help me understand why was DR review then necessary, because if you've been ordered to do it whether the DR thinks there's enough data or not, you have to do it; right?

>> KATHLEEN GIBBONS: Yes. It's just open for this system, it's opening depending on what the due process order says. It's opening universal care, behavior or academic. Or all of them.

>> NANCY KRENT: It says I've reviewed the file and I agree that the team has the necessary data. What data are they considering?

>> KATHLEEN GIBBONS: Whatever is in the due process order, probably.

>> NANCY KRENT: Okay. Do you know why this form is written in this way?

>> KATHLEEN GIBBONS: No, I can't honestly tell you why it's written this way.

>> NANCY KRENT: Okay. All right. So far as you're aware that's the only circumstance in which the District Representative is involved in reviewing the paraprofessional justification information.

>> KATHLEEN GIBBONS: Correct. All it's the principal at the school level.

>> NANCY KRENT: Okay. And again, with the principal's reviewing the data, it's both a qualitative and a quantitative review. In other words, it's not just yes there are eight pieces of data. It's there are eight pieces of data that affirmatively support the need for a paraprofessional. Or there are eight pieces of data, they don't affirmatively support the need for a paraprofessional, so I need to show up and talk to this team.

Is that correct?

>> KATHLEEN GIBBONS: I would change a little. It's eight pieces of data that I have affirmative -- that I have supported, you not support. And based on that and whatever the principal's comment is, his team is, he can still say you can make the decision, or else no, I want to be part of the meeting. But he doesn't have to confirm that the data supports a para, it's just they have data regarding additional adult support. The child may or may not need.

>> NANCY KRENT: So -- so I guess I'm unclear, then. So the principal just looks to see if there are eight pages of data. They don't read it, they don't -- make a judgment -- and they make a quality about the data.

>> KATHLEEN GIBBONS: Right, but the judgment doesn't have to be yes they need a para.

>> NANCY KRENT: The judgment is it's sufficient to support a para if the team thinks the para needs to be provided.

>> KATHLEEN GIBBONS: Could also say the data doesn't support the para and I'm confident my team is going to come to that decision. Or no I want to be at the meeting to be part of that decision.

>> NANCY KRENT: So it's substantive but it might not be to the ultimate decision is what you're saying.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Got it. Okay. Does the district representative need to be present to commit the paraprofessional, or does the principal need to be present to commit the paraprofessional?

>> KATHLEEN GIBBONS: The principal -- if the principal is at a meeting, they are the District Representative.

>> NANCY KRENT: Okay.

>> KATHLEEN GIBBONS: If the ODLSS District Representative is at the meeting, they are the District Representative. So -- I mean a District Representative has to be present at every single IEP meeting. According to IDEA. It's just who is in that role.

>> NANCY KRENT: Let me just clarify. I believe what IDEA says and correct me if I'm wrong, is that an LEA rep beneath needs to be present.

>> KATHLEEN GIBBONS: Right.

>> NANCY KRENT: That's not the person with the title District Representative on your organizational chart; right?

Those are -- those District Representative that we've been talking about are specific title -- that's a specific title in CPS. I want to keep separate those two groups of people.

>> KATHLEEN GIBBONS: Right. An ODLSS, District Representative is a

job title. And one of their roles and responsibilities could be to act as the LEA district rep at an IEP meeting.

>> NANCY KRENT: Got it.

>> KATHLEEN GIBBONS: The principal is also, if he's at -- or she's at an IEP meeting, is usually in the role as the LEA district representative, or some of our schools still have the historic case manager.

>> NANCY KRENT: Okay. When there's a decision involving whether or not to have a paraprofessional, what level of person has to serve as the LEA rep at CPS?

>> KATHLEEN GIBBONS: The principal makes the decision whether they will be there, as the LEA district rep, or whether they have delegated that authority to their assistant principal or their case manager or who -- he or she delegates in the building.

>> NANCY KRENT: Okay. Just so we're clear, at no time has the -- has -- so the District Representative has no involvement in decisions relating to paraprofessional. Is that what you're --

>> KATHLEEN GIBBONS: Except under the special circumstances.

>> NANCY KRENT: Except in special circumstance. Okay. Let me ask you some more questions since we're talking about paraprofessionals. Help me clarify.

The para J form. First of all that's a separate document from the IEP; correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: That's done reporting. Does that have to be done every year for a student, or is it done at the beginning -- when they are first assigned a paraprofessional.

>> KATHLEEN GIBBONS: No, would be every year.

>> NANCY KRENT: Okay. When a student already has a paraprofessional, how do you get -- how do you gather the data about whether they need a paraprofessional?

Do you withdraw the paraprofessional for some period of time to take data, or do you do something else?

>> KATHLEEN GIBBONS: No. Every student who has a paraprofessional is also supposed to have an independent plan, which is part of the IEP. When you have a paraprofessional, to see if we can reach independence. Since a paraprofessional is such a restrictive environment to have in that class or adult glued to you.

So the data would depend on the child's IEP. So it would look at whatever the independence plan was for the child and whatever progress monitoring they have towards that; or it could also be whatever progress monitoring they have regarding the actual support, the para has given. Because it could indicate that we have the para helping Joey in language arts, but he completely ignores her, doesn't want her around, and all the progress monitoring shows it's not effective.

So the new IEP would maybe not have the para in language arts but keep the para in math where the data supports she's really providing the additional support that the student needs.

>> NANCY KRENT: Got it. Thank you. Okay. Let's look at CPS 798. And probably -- and -- so that's the very first one.

>> KATHLEEN GIBBONS: Okay.

>> NANCY KRENT: So this is as I understand it, sort of -- one of the opening pages or maybe the opening page for the para J form. And as I understand it, you -- the team or whoever is filling this document out

selects every subject in which they think the child might need a paraprofessional.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: And they do this page separately for each. For each of those subjects.

>> KATHLEEN GIBBONS: Correct. Every subject area in which you think the child needs additional adult support.

>> NANCY KRENT: And they have to do separately within that category each setting in which the child may need support; is that correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: So if I am taking language arts and I spend some of my time in the Gen Ed classroom and some of my time in the Special Education classroom, and I guess there's -- I have to walk in the hallway between those two and I go to the bathroom while I'm in the middle of that class, that would be four settings.

Is that correct?

>> KATHLEEN GIBBONS: Well, actually the staff was doing it correct, the subject areas should only be Gen Ed or separate class. The drop downs for hallway and all that being more independent functioning. But if -- if the class --

>> NANCY KRENT: What do you mean by independent functioning?

>> KATHLEEN GIBBONS: One of the subject areas of the drop down, the areas of need match Section 9. And independent functioning is an area of need that a student might need support in. Or social/emotional would be one of them. And so these areas, settings would match those better. But there are IEP team that could say well during language arts that's when we do our bathroom break, so they could take that -- so technically you could be correct.

>> NANCY KRENT: I'm confused because what you demonstrated to us -- and if you look at the next page, which is CPS 819, when it's behavior, which I guess is what you meant by independent functioning, what you showed us when you demonstrated is that the setting auto populates to outside of the classroom.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: So if that's what they're supposed to use for things like bathroom and hallway and lunch, then I don't understand why, A, they don't populate on that form, but they do populate on this form, which does select they need to be selected at some point in these classes.

>> KATHLEEN GIBBONS: Where it says English language arts in the little arrow and the drop down and more areas, and one of the areas is independent functioning. Which is -- could be different than behavior.

>> NANCY KRENT: So there's a subject called independent functioning.

>> KATHLEEN GIBBONS: Correct. Where we write goals and things like that for it.

>> NANCY KRENT: Okay. All right. That makes sense. All right. So the data needs to be taken in each subject, and in each setting.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: If I have trouble following directions globally, and I'm in English, I'm in social studies and I'm in science and I'm in math and I'm in French class, let's say, and for all of those I get -- or three of those I also get some support in a separate classroom. So the team has to fill it out, has to take data in eight locations?

Is that right?

>> KATHLEEN GIBBONS: You have five data points.

>> NANCY KRENT: I understand. But for each class. So in other words, if I take five -- if I -- they think I need a full-time paraprofessional, and I take five subject classes, and I'm in Gen Ed setting for all five, but for three of them I also get some support in a separate classroom, right, that's -- that's total of eight subjects and settings. Is that right?

We can go through one at a time. So for English-language arts, I'm in the Gen Ed classroom and the special ed classroom.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: You have to take data, five points of data in each of those; is that correct?

Isn't that what this form says?

>> KATHLEEN GIBBONS: The data overlaps, but yes, technically. But it doesn't wind up being cumulative that much. But yes. Because the same data can work for multiple of these. So like --

>> NANCY KRENT: So if I take data in English classic use it to justify the need for a para in math class?

>> KATHLEEN GIBBONS: That's how it's been working, yes.

>> NANCY KRENT: All right. You understand that all of the documents that you've submitted, all of the documents that CPS publishes on this, and the PowerPoints you have shown us and when we asked you this question at -- and when we asked you this question at the demonstration, you said the data has to be taken each subject and each setting.

Are you now saying that's not true?

>> KATHLEEN GIBBONS: Well, no, that's what we're asking people to do because every subject and he ever is I setting is different. Because when you're in the Gen Ed you can be one of 30 children.

In the separate classroom you can be one of ten children and you might not need a para where you would in a general ed class and the separate class because the student teacher ratio is different. When you're having trouble with directions might not be as pronounced there that you would not need the extra adult as you would in the Gen Ed class.

So we want so that these are data difficult driven decisions, we want that. A but as we demonstrated, we showed you the upload of the data. It was just hash marks and the system accepting it.

>> NANCY KRENT: So but what I understand CPS is telling its staff, that they're expected to do, in my scenario would be collect five points of data eight times.

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: Yes. Okay. And is there some discussion about changing that to -- to make that less? Is that one of the things that CPS is considering changing for the 18-19 school year?

>> KATHLEEN GIBBONS: We're working with our CTU steering committee and group and the para J form is one of them to look at different ways to change that to see if there's better organization ways, just like we changed based on that committee our accommodation section in the IEP. It's now being previewed as a Section 504 plan so that that would not be as repetitive and if it works in the 504 plans then we put in the IEP, we're looking at the same thing here. If there's a way to get the same information but be as repetitive.

>> NANCY KRENT: Okay.

>> KATHLEEN GIBBONS: But a decision's not been made yet.

>> NANCY KRENT: Okay. Under each of these, where it says behavior and academic, there's a number of different items that you check.

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: Does the student need reinforcing of instruction, do they need visual support, do they need a proximity, are they a threat to safety, do they leave the area without permission. All of those things.

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: When you check multiple of those things, is the team expected to take data on each of those items with the data they're collecting?

>> KATHLEEN GIBBONS: We would hope they would but it's not required in the system. The system's been driven by the area of need and the location.

>> NANCY KRENT: Okay. And in the instructions that you give to principals, in reviewing this data, do you tell them that there should be data to support each of the items that are checked under behavior and academics for the paraprofessional?

>> KATHLEEN GIBBONS: Sometimes the lack of data is the data. So if they checked aggression or review of directions, and then as they took the data it was never popped up, a lack of data could be an indication that they don't need that particular support. So the -- it's explained to the principal that you should look at the data to see if they can make an informed decision about the different supports that they are asking for.

>> NANCY KRENT: Okay. So then it sounds like if I'm taking data and I've checked all those boxes, if I wanted to show someone that those are all areas of need, I should be collecting data on all of those points.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Okay. I'm trying to figure out how 798 and the next page I showed you, 819 fit together. Because I see there's behavior in classroom, then there's just this broad category, called behavior.

>> MATT COHEN: Can you repeat the pages?

>> NANCY KRENT: That's right. I apologize. 798 and 819. The first one is the paraprofessional justification form screen shot that shows the page involving English language arts, and the next one is the paraprofessional parapro justification suspected need page where the subject is described as behavior.

And so my understanding from what you testified earlier and what you explained at the demonstration is that you use that broad subject behavior when you're dealing with outside the classroom behaviors; is that correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: So I have a student who has behavioral issues inside the classroom and outside the classroom, in unstructured settings. I would complete -- I would do data collection in both locations; is that correct?

I would do the outside the classroom for filling out 819, and inside the classroom for 798.

>> KATHLEEN GIBBONS: Yes. You could do that. Or as I said before, if the team actually picked independent functioning, and then did a locations here, they don't -- they'd only use the one form. So it

depends how the team is setting up the IEP.

>> NANCY KRENT: Okay. And where or how are teams instructed on the different categories that they can use?

Independent functioning, as a separate and distinct category from behavior within a subject matter?

>> KATHLEEN GIBBONS: That's always been part of -- even before we had the para justification form, when the electronic IEP first opened up, the areas of need that you check in Section 9 need to match up with the areas of need of paraprofessional, will be giving support in. And so the areas of need have -- I don't think they've ever changed since I believe before we went to the electronic IEP. It's just how IEP teams -- some call it social emotional, some call it independent functioning. Just depends on how the team is characterizing it for the child.

>> NANCY KRENT: Okay. Thank you. And I have a question about the need for MTSS data in addition to these five data points.

Am I correct that MTSS data needs to be collected for a student as part of the para process?

>> KATHLEEN GIBBONS: That's a yes and a no. The specific references to MTSS were taken out in the February 2018 guidelines. And manual. But MTSS is a process within the Chicago Public Schools that all students should be getting interventions through that system. So they can overlap with the specific reference to it because it did cause confusion. That's been taken out.

>> NANCY KRENT: I think that might not have happened.

Can you look at --

>> KATHLEEN GIBBONS: It should have.

>> NANCY KRENT: CPS 131. The next document you have. This page is entitled verification requirements. It says February 2018 on the bottom left hand corner, it's the para pro -- comes from the parapro guidance document.

>> MATT COHEN: What page?

>> NANCY KRENT: CPS 131. Can you read the bottom of that, academic and behavior support. It still says that you must have high quality tier one instruction, appropriate tier two and tier three conditions consistent with the MTSS framework, that's part of the data that must be provided?

>> KATHLEEN GIBBONS: I thought it got taken out. I myself deleted it. So I'm not sure exactly why it's there. So...

>> NANCY KRENT: Okay. So as -- but as of today, if a team's following the manual, they have to have MTSS data in addition to the five data points for each of those categories?

>> KATHLEEN GIBBONS: My understanding is Dr. Keenan has said they no longer need that. It does appear it inadvertently got left on. It inadvertently got left on. Make sure that gets taken off.

>> NANCY KRENT: Do you know whether or not there was some other document that communicated to principals and case managers that they no longer needed to do that?

>> KATHLEEN GIBBONS: Nope.

>> NANCY KRENT: Okay. As I understand the MTSS process, in order to go through it, you first determine that students not functioning appropriately in the general education environment. That's tier 1, is that correct? And you take data on how they function in tier 1.

>> KATHLEEN GIBBONS: Tier 1 would be more global. It's for all

students. And it's high quality universal direct instruction and universal instruction. And then once students are still struggling they would either then go to a tier 2 intervention, which is small group, and then go to a tier 3 intervention which is more individualized.

>> NANCY KRENT: All right. And we did hear that at least in the category when we're trying to determine eligibility for specific learning disability, the standard at CPS is five weeks at tier 2, five weeks of data, two five-week periods. I don't know whether it's tier 2 or -- tier 2 -- is that correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: For behavior as the student is maybe moving toward a para -- the need for a paraprofessional, how much time does the student need to have spent in tier 2 interventions and how much time does the student need to have been -- have spent in with the support of tier 3 interventions before you can determine that those aren't successful and the team should move to a paraprofessional?

>> KATHLEEN GIBBONS: I believe it's recommended that they attempt a ten-week cycle of five and five. But it's not as rigid as when making the decision for child who might have a specific learning disability. So there should be some more flexibility.

>> NANCY KRENT: So it would be two 5-week periods at tier 2 and 2 five periods at tier 3 or one in each?

>> KATHLEEN GIBBONS: Two five week periods depending where the child is. A child could be already at tier 3 intervention so you would go back to a tier 2. So it depends on the individual child.

>> NANCY KRENT: Okay. And when -- is the paraprofessional justification form at some point made part of the IEP?

>> KATHLEEN GIBBONS: No, it's part of the student record. But it's not attached to the student's IEP. It's just an additional document and it's inside the SSM system.

>> NANCY KRENT: When the team is discussing it at the IEP meeting, is the -- because presumably that's the data on which they're basing decision, correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Is the parent given a copy of the data at that time to review?

>> KATHLEEN GIBBONS: We recommend to the team that they get the parent draft documents of everything how the individual teams do it, it's up to them. I would say yes the parent should have a copy of -- parent should have a copy of any of the data that's being used to base a decision on. So that they then can either add to it, disagree with it, or -- because we recommend that the parent get drafts five days ahead of time and can come in hopefully then with some of their own data. If they have disagreements with what is being proposed.

>> NANCY KRENT: All right. The documents we've seen suggested a draft IEP should be sent home five days in advance.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: How does the team know to include the paraprofessional justification form if it's not part of the IEP?

>> KATHLEEN GIBBONS: It's one of the documents that's helping drive the IEP discussion.

>> NANCY KRENT: Okay. And then when the IEP is drafted, as I understand it in 2016 when the paraprofessional justification form was revised, or I guess it was a new document because the -- similar

documents had a different name before -- the IEP itself now populates numerous sections sort of in each subject for each type of support.

Is that correct? On the IEP?

>> KATHLEEN GIBBONS: Correct. Based on what the -- what's inputted into the para justification form.

>> NANCY KRENT: Do you know in -- if a student had a full day paraprofessional, do you know how many pages there are on the IEP that now cover that?

>> KATHLEEN GIBBONS: It depends on what the para is doing during that full day. So I mean it can be lengthy.

>> NANCY KRENT: Have you -- can you explain why CPS chose to do it that way instead of the way that's typically done on IEPs, which is to have a more concise narrative description?

>> KATHLEEN GIBBONS: The whole para -- for the whole paraprofessional issue, actually came to a head during Corey H. And with discussions with ISBE and in the way that CPS use today write and indicate before our electronic IEP on our -- just paper document where people would write full-time aide or one on one aide, and what did that mean. And that's then through a lot of discussions with ISBE of Corey H. court monitor, the plaintiff's counsel at that point, that's where the shared and dedicated language, all of a sudden arose and came out of.

So this has been an ongoing discussion regarding how best to reflect when a child needs a paraprofessional and what the paraprofessional's supposed to do. And whether that paraprofessional can work with other students at the same time or has to be solely dedicated to that student.

>> NANCY KRENT: Okay. So I do understand that there was a need to be clearer after Corey H. on what the paraprofessional was there to do. And whether it was -- whether the paraprofessional was shared, dedicated.

But I guess my question is more specific to the 2016 changes, which clearly weren't driven by Corey H., because Corey H. was long over at that point.

>> KATHLEEN GIBBONS: Right.

>> NANCY KRENT: I'm asking about why you -- the system changed from what I assume used to be a narrative description, probably couple inches long, to what now often prints out in some of the documents we've looked at as pages and pages and pages of what appear to be essentially the same language repopulating for every subject and every setting. And I'm just asking why -- why CPS decided that was a better or more appropriate system and whether or not you're reconsidering it.

>> KATHLEEN GIBBONS: We're -- the -- the electronic IEP has always -- is a work in progress. So we're always looking to improve it and make it better. But the way the paraprofessional reads out actually starting in the Corey H. in 2009 when the electronic IEP went live. In March of 2009. And back then it was pages and pages, and it -- we've struggled with trying to get it to read different.

So that's why I'm saying it evolved from that. It just didn't start -- the difference in 2016 is para J. form and trying to get -- and help the IEP team by auto-populating the data so that they're not at the meetings writing it all in. We are -- this is where you have the data, let's not talk about does the child actually need this support. And they click or -- they either keep it click or they

unclick if they don't want that type of support anymore.

>> MATT COHEN: Ms. Krent, I have a procedural matter I need to raise with you. I've just been texted by Sharon Sultan, who is part of our group that the ISBE live stream is not streaming.

>> Stephanie: We'll address that.

>> NANCY KRENT: Thank you for letting us know. We'll have someone look into that. And we'll also put a notice up. I'm sure they'll put a notice up that there is also video available so people can watch later and see it later. We apologize for that. Thank you for letting us know. All right. Okay.

Getting back to paraprofessionals. In 2016 the requirement was added -- am I correct -- that the principal needed to do two observations?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Okay. And first, why was that added?

>> KATHLEEN GIBBONS: There -- I was not part of the meeting, so I was not part of the discussion. But they had a team of central office staff and I believe school-based staff who came to -- together to do the proposal. That has now morphed into this current para J. form. But I was not part of that team. So I was just told that the principals would be doing two observations.

>> NANCY KRENT: And at some point was that changed or eliminated?

>> KATHLEEN GIBBONS: Yes, it was eliminated.

>> NANCY KRENT: Do you know when?

>> KATHLEEN GIBBONS: I want to say I think fall of 2016. I believe the observations of ten days, of data, were eliminated fairly quickly after first went in to effect.

>> NANCY KRENT: Okay. And --

>> KATHLEEN GIBBONS: I'm not sure on the date.

>> NANCY KRENT: Okay. And how were the principals notified?

>> KATHLEEN GIBBONS: I don't know.

>> NANCY KRENT: Okay. Do you know how IEP teams were notified that that -- that the principal observations had been dropped?

>> KATHLEEN GIBBONS: I know when the para justification form has had changes to it. That there have been SSM announcements.

>> NANCY KRENT: All right. Do you know whether -- we do know in Dr. Keenan's rebuttal affidavit which identified a number of areas in which CPS is considering making changes, are there changes being proposed to the paraprofessional justification process?

>> KATHLEEN GIBBONS: My understanding is when looking at it, like I mentioned a little bit ago, we just did a dramatic change to our 504 plan to try to simplify accommodations because that also got repetitive. And the school -- and at that was directly result of the CTU. And if that goes over that's going to flip into the electronic IEP. And it's part of that, that could streamline the para J. form. But I don't know at this point when or how that's going to happen.

>> NANCY KRENT: Okay. And am I correct that unless the principal is either present and has entered whatever you enter to open up that section, if the rest of the IEP team feels that a paraprofessional is needed, but either they forgot to do the para J. form or the principal forgot to enter it, and now the principal is gone, and the building with no AP, what does the IEP say the end of the meeting if the team all agrees there should be a paraprofessional, but the system can't unlock?

>> KATHLEEN GIBBONS: That should be noted in the IEP notes section, but my understanding is that I don't believe we can have any school building that does not have an administrator on site. So if the school doesn't have a designated AP, if the principal is out of the building, I do believe there's somebody in the building.

And so anybody in the administrator control group can actually open it up. So there.

There should be a person inside the buildings at all times who could be called to the IEP meeting to help. But in case that were not the case, that -- it should be noted in the notes, and then I would tell the IEP team to immediately pick a date to do -- to reconvene and then to do a revision to the IEP.

>> NANCY KRENT: Okay. But if -- but then so are you saying that the IEP would be left unfinalized or the IEP would be finalized with a note saying we're going to reconvene and revise?

>> KATHLEEN GIBBONS: I guess you -- my scenario the IEP would have been finalized with IEP notes reflecting that data's going to be collected regarding potential paraprofessional support and an IEP meeting will be reconvened in two weeks, three weeks, whatever the team decides they need to get the data. The IEP should only be left in draft if there's still time before the annual date. So if they did the IEP early, so we have a current IEP that's still effective, they could leave it in draft.

>> NANCY KRENT: Got it. And when they -- if they finalize it, though, then you -- the box is still checked the student doesn't need paraprofessional support but there's notes that say otherwise. Is that correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Got it. All right. ESY.

Dr. Keenan testified and provided in her rebuttal affidavit some information on changes that are being made and considered to be made with regard to ESY. Are you familiar with those?

>> KATHLEEN GIBBONS: Yes the May 10th?

>> NANCY KRENT: Yes. Can you explain that?

>> KATHLEEN GIBBONS: My understanding is that the -- at once May 10th comes the IEP teams will still be able to -- will not need to get either the ODLSS District Representative or the principal involved if the data documents have been done.

>> NANCY KRENT: Okay. And do you know whether that's already changed in the SSM system?

>> KATHLEEN GIBBONS: I know SSM has been told about it. But since May 10th hasn't come yet, I don't know if they flipped the switch yet. But yes, I know they've been told about the change.

>> NANCY KRENT: Okay. And I understand that there's also a change that it will be open at the beginning of the year and not wait 'til November 15th. Do you know whether SSM has been notified of that too? Or are you not familiar with that?

>> KATHLEEN GIBBONS: My understanding there wasn't quite that. That it was going to -- if a team believed that they had enough data at a point, they could do it. But that you were still going to need enough data to show regression recoupment.

>> NANCY KRENT: So when will -- when will that section reopen for regression -- during the school year?

>> KATHLEEN GIBBONS: That's still being -- I'm not -- I was gone two

weeks, they had two meetings without me. The last meeting I was at that I was still in the discussion as to how that was going to work in the fall.

>> NANCY KRENT: Got it. Okay.

>> KATHLEEN GIBBONS: But there is going to be a change.

>> NANCY KRENT: Oh. And just so I'm -- clear, I think you testified to this -- when the principal -- for the May 10th date, for the last two years -- I guess just last year.

>> KATHLEEN GIBBONS: Last year.

>> NANCY KRENT: What was the principal or the DR trying to determine when they were deciding whether or not to open after May 10th?

>> KATHLEEN GIBBONS: If the IEP team was making a decision regarding the regression recoupment from fall, why was it already not recorded? Because if an IEP meeting occurred after May 10th and the following question recruitment data form had been completed, the IEP team could go ahead with it. So it was you're at a May 11th meeting and there peace no C.I.A. data.

>> NANCY KRENT: But after -- but am I correct that there is at some point a last day on which the team can access that data form too; right?

>> KATHLEEN GIBBONS: No. My understanding is you can -- well, once you got to May 10th, you had to get -- that's why we had to get your principal or the network involved to open the form up.

>> NANCY KRENT: Okay. So is it -- so what was -- I don't understand I guess what the purpose was -- I mean if you can help us understand the purpose -- of that requirement.

In other words, if you still had to complete a form and enter the five points of data, right, because as I understand it the system knows whether or not five points of data have been entered. Right? You put in five dates and you put in some information.

>> KATHLEEN GIBBONS: No, for regression recoupment it's ten weeks.

>> NANCY KRENT: Ten, I'm sorry. Not five. I guess my question is if the system knows whether or not there's ten points or there's not ten points, what is the function of needing someone else to unlock that after May 10th?

>> KATHLEEN GIBBONS: It needs to be unlocked because the system says there's no data. So the 10 points were not put in.

>> NANCY KRENT: Right. If -- why couldn't you -- the difference -- I guess I don't understand what the May 10th cutoff was designed to do. Like why would you -- in other words, if I uploaded ten points of data on May 9th, I could find the student eligible under regression recoupment without having to have anyone else intervene, correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: If I did it on May 11th, I couldn't. Even though I had the same piece of paper with the same data written on it as I had on May 9th. Was there a reason why the May 10th date was chosen and what was the purpose?

>> KATHLEEN GIBBONS: My understanding was the -- for a system as large as ours to actually get ESY up and going, they have historically asked that all ESY decisions be made by spring break. So that when we come back from spring break we can identify the sites, start getting the teachers in place, and so spring break is a little early to do that. That they then picked a May date. And at that point if you not only did make your ESY decision, you actually met with the father to

put the data in, that the principal and the network should be involved.

>> NANCY KRENT: Okay. That makes sense. I can see their that it would be difficult in a system that large to have 5,000 children identified as eligible for ESY on June 1st and expect there would be enough teachers and buildings available.

Clarifying question also on ESY, because I'm trying to figure out the critical skills piece. If you look at CPS 737, which I think comes...possible what we've been looking at...and I apologize. The copy is not very clear.

>> KATHLEEN GIBBONS: Okay.

>> NANCY KRENT: As I understand it, is there -- what is the -- let me back up. What is the role of the DR if a student is being made eligible for ESY under the category of critical skills?

Not special circumstances, but critical skills?

>> KATHLEEN GIBBONS: The ODLSS district representative doesn't have any role if the principal --

>> NANCY KRENT: And then I'm looking at critical skill, special circumstances. The last drop-down menu, the last item on the drop-down, I'm going to read it because it's not easy to read and I practiced this. The student is at a critical stage of development and a break in services will result in loss of a window of opportunity for mastering an academic crucial area of learning.

And I guess my question is what's the difference between this and the general category of critical skills?

>> KATHLEEN GIBBONS: Actually, not much. This is a way to justify if the IEP team actually did not use critical skills and at the end they're trying to get the child to ESY and it's actually truly a critical skill but they did it incorrectly, we're allowing them to do it under special circumstances:

>> NANCY KRENT: Wouldn't it have been easier -- if critical skills doesn't require anybody's approval and this requires somebody's approval or review or something, why would any team choose to do it this way?

>> KATHLEEN GIBBONS: I don't know.

>> NANCY KRENT: And I guess what I was wondering, is it because this deals with critical academic skills and the other deals with critical functional and physical skills?

>> KATHLEEN GIBBONS: Well, that -- that could be a reason too, that if the child is at a critical level in language arts, or math, is it really a special circumstances critical skills, or is it more if -- a question of recruitment. So we're making the decision on the right basis. So that could be it too as part of the special circumstances.

>> NANCY KRENT: Okay. So are you telling us that you know that, or you're speculating? Because I want to make sure I understand it. Are you saying that you understand it? Am I correct that your understanding is where it's an academic critical skill and not a functional or physical critical skill, it's treated as a special circumstance and it requires the involvement of the District Representative?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Okay. Got it. I don't have much more but I do have a few more things. I want to talk about therapeutic day schools now.

>> KATHLEEN GIBBONS: Okay.

>> NANCY KRENT: Am I correct that the team requires again if this is

for behavior -- that it requires two 5-week periods of behavior intervention data?

>> KATHLEEN GIBBONS: That's the best practices recommendation but that's not hard and fast rule, because children can be in crisis. And need to get therapeutic setting.

>> NANCY KRENT: All right. When you say it's a best practice but not a hard and fast rule, is that -- does it say that somewhere in the guidelines, that it's not a hard and fast rule?

And I apologize, I didn't pull that. I'm sure I have that particular page -- no, I don't. But I do have Page 1362, which is from a PowerPoint on ODLSS verification. And it says that each of the separate day school criteria are met and one of those is I believe behavior intervention, MTSS data.

>> KATHLEEN GIBBONS: I apologize -- it's on page 62 and 63 of the procedural manual.

>> NANCY KRENT: Can you tell us what that says?

>> MATT COHEN: What's the page?

>> KATHLEEN GIBBONS: 62 and 63 of the procedural manual.

>> NANCY KRENT: She doesn't have that on the document pages but the current manual?

>> KATHLEEN GIBBONS: The February '18 one and I apologize. What was your question?

>> NANCY KRENT: What data is required?

>> KATHLEEN GIBBONS: It says placement in a nonpublic separate day or residential school is appropriate only if the IEP team determines based on data and other relevant information that the nature or severity listed to academic or functional EG, social, emotional behavior or transition needs due to his or her disability, i.e. regardless of disability classification is such that the education within the CPS system with the use of special education related services and supplementary aides and services cannot be satisfactory achieved.

>> NICKI BAZER: CPS 670, 671.

>> NANCY KRENT: Thank you. So -- and I apologize, I don't have the -- the guidelines specific -- readily available. Someone could find those for me. We'll come back to it.

>> KATHLEEN GIBBONS: I apologize. There is one thing about implementation of function based interventions and progress monitoring, including data collection for a minimum of five weeks.

>> NANCY KRENT: There it is, yeah. And then it also says --

>> KATHLEEN GIBBONS: That's on 63.

>> NANCY KRENT: It also says am I correct, that it -- and it says that you have to then reconvene and make attempts to adjust the behavior intervention plan and try again for another five weeks, is that correct?

>> KATHLEEN GIBBONS: Correct.

>> Crept cent so it's a minimum of ten weeks.

So -- but then you were saying that that's a best practice, not a hard and fast rule?

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: All right. It certainly says that that's minimum. So who would a team know that that's a recommendation and not a requirement?

>> KATHLEEN GIBBONS: Based on the child. If you have a child in

crisis, something that's happened and they have some crisis, they should -- that's why we have the ODLSS District Representative, that's who the school should immediately reach out to. To then get assistance to make sure that we get the child where they need to be and everyone is safe. Particularly the child.

>> NANCY KRENT: Okay. So the team can reach out to the district representative to make an exception.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: And the District Representative has the authority to make an exception if he or she sees -- feels that's appropriate.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Got it. Okay. And so is the MTSS data -- it also says you need MTSS data in a different place. Is the MTSS data separate from the behavior intervention plan or are those being used interchangeably when we talk about behavior?

>> KATHLEEN GIBBONS: If the -- the MTSS data would be used for a child who's not on an IEP yet. For a child who's already on an IEP you would use their IEP progress monitoring and behavior intervention plan data. And I believe it says -- yeah, it says pursuant to --

>> MATT COHEN: Sorry, can we have Ms. Gibbons refer to document this is are in the record?

>> NANCY KRENT: I'm sorry. We have the page numbers.

>> MATT COHEN: She's got a moon Yule of her own there.

>> NANCY KRENT: That's the 2018 annual. I can pull it out and hand her the other one if you want.

>> MATT COHEN: I'd feel better.

>> KATHLEEN GIBBONS: Okay.

>> RICH COZZOLA: 671 --

>> NANCY KRENT: We'll find the binder for her. Is the data uploaded to the IEP, this -- the behavior intervention plan data when the team is considering the therapeutic day school?

Is that -- I know that in other places for example when we talked about regression recoupment, when we talk about the specific learning disability, I understand that there's boxes in the SSM system to load that -- to upload that data.

For therapeutic day school is it a similar process, there's sort of spaces on the -- in the system itself where you have to upload the data, or is it just a check box saying the data has been reviewed?

>> KATHLEEN GIBBONS: It would be more the latter, the data's been reviewed. Because for behavior intervention plans they're so individualized and specific. The plan itself along with the child's IEP and their social emotional goals tell the IEP team what data to collect and how to collect it. There's a section on the goals that says charting, how many tries and all that. And then the behavior plan would also explain what data. So based on an individual child you'd look at their current IEP and what was supposed to have been collected to then help drive the decision.

>> NANCY KRENT: Got it. And then is that data shared with the parents at the IEP meeting?

>> KATHLEEN GIBBONS: It should be.

>> NANCY KRENT: Okay. Just so I understand, so it sounds like what you're saying is you need the DR review, and the DR can either say you have to have this data, and this data -- the data you sent me looks fine to have this discussion, or this data doesn't look fine to have a

discussion.

And either I need to be there, you should try this or maybe you want to try another behavior intervention. There will be some dialogue.

But the system -- the SSM system itself doesn't monitor any of that the way it does in some of the other areas, is that correct? So in other words, the SSM system doesn't require that data be entered for this decision the way it does for regression recoupment. There's not boxes to enter data, is what I'm asking.

>> KATHLEEN GIBBONS: Correct, it's not a special form. It's all IEP driven. If a child had a cold and the social worker was doing it, they have to do the progress monitoring, and that's a document.

>> NANCY KRENT: But so if the -- if the district representative and the team are sitting at the table and they're saying, wow, Nancy's not doing well and we don't have all this behavior intervention data, we don't have MTSS data, but we all agree she's in crisis and she needs to be moved, or we've read the evaluation, she needs this right away, the team with the review and check off from the district rep, they can do that in the system, the system itself doesn't electronically have a hurdle to go through other than the check box for the District Representative; is that correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Okay. Thank you. All right. All right. Moving quickly to the area of specific learning disability. I believe we've heard testimony from Dr. Keenan that currently the team must have two 5-week periods of MTSS data to make the eligibility determination.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: And the SSM system won't allow the eligibility decision to be entered without that data having been uploaded; is that correct?

>> KATHLEEN GIBBONS: Yes. My only hesitation is I'm not sure because the new MTSS charting is just going into effect as to whether it actually counts days or it's just data again. But yes. There is a check in the system.

>> NANCY KRENT: Got it. Dr. Keenan's most recent affidavit and narrative said that there will be a change and that the two 5-week period will become a best practice or may become a best practice.

So how will the SSM system be changed to reflect that?

>> KATHLEEN GIBBONS: That's what I've just hesitated. Because at our last meeting we were looking at the MTSS data and charting of that. And that's why I'm not sure it's going to count specific data points. It's just that if there's MTSS data in there.

>> NANCY KRENT: All right. And just so I'm clear, so there still must be -- there still must be MTSS data but it just might not be for two full 5-week periods, correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: And do you know when the change to the best practice concept is going to occur?

>> KATHLEEN GIBBONS: My understanding is in September for the 18-19 school year.

>> NANCY KRENT: All right. Flipping back to dynamic learning maps for a second.

Is the district representative involved in authorizing students to take the dynamic learning maps alternate assessment?

>> KATHLEEN GIBBONS: In some situations, yes. Pursuant to a

directive from Maryland state Board of Education, back when that was the alternate assessment.

>> NANCY KRENT: And in which circumstances does the district representative have to be involved in the DLM?

>> KATHLEEN GIBBONS: ISBE gave us a list of disability categories at -- because the child needs a -- I believe their language is a significant cognitive disability. And so a child who is just learning disabled does not fit that category. And we had several IEP teams that felt that a child with a significant learning disability should be allowed to take Illinois alternate assessment, which is ITLM, so with negotiations with ISBE, as long as we had the correct district representative again at the meeting, to help form the decision and make sure the student was taking the correct exam, they could do that.

>> NANCY KRENT: All right. So then the -- am I correct --

>> KATHLEEN GIBBONS: And it would be speech only I think too.

>> NANCY KRENT: So the -- so as I understand it, for certain categories of disability the district representative is needed in order to make sure that the student is -- I believe the federal requirement is in the bottom 1 percent cognitively?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: And so that's the function of the -- that's -- that gatekeeper function is being filled by the District Representative, is that your testimony?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Got it. Okay. But are there certain -- are there certain categories of disability, cognitive impairment and maybe some others where the District Representative is not needed, or is the District Representative always needed to verify?

>> KATHLEEN GIBBONS: No, if the child has got a severe-profound intellectual disability, moderate intellectual disability, on the autism spectrum, I think even a mild intellectual disability they do not need the ODLSS district rep.

>> NANCY KRENT: Okay. And is that monitored because the SSM knows what the child's disability category is and can know whether to turn on or turn off that section?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: Thank you. All right. Couple of just wrap-up things.

And I think I've given you CPS 1300, which is a narrative response that you submitted I think pretty early on. We had asked a question about how many IEP meetings were continued because the right people weren't in the room. Right?

For follow-up meetings needed to finalize the IEP due to the need for approval or review. You said the SSM data doesn't indicate the reason for an IEP meeting being continued. So you couldn't -- so the data couldn't be generated.

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: So we asked a follow-up question just generally, how many IEP meetings are continued. But your response was that you can't answer that either. So I just want to clarify. Does the SSM -- can SSM track how many meetings are continued after they've begun?

>> KATHLEEN GIBBONS: We can track on the front page there is a date for a reconvened meeting. And so you can track how many reconvened meetings. But that's not necessarily how many meetings are continued,

because the IEP team maybe didn't finalize the IEP. And so then if they didn't finalize the IEP, a reconvene date might not pop. And I just come back. And so we can track how many IEPs have on them a reconvene date. But that's not always -- that would not be an accurate or complete response to your question.

>> NANCY KRENT: Got it. Thank you. That helps a lot.

Quick question about again on the SSM system. It's our understanding that the 16-17 -- if a student in a cluster program was getting programmatic paraprofessional support, that was still listed on that child's IEP as paraprofessional support for that child. And that in the 17-18 school year that changed and the programmatic support wouldn't show on the child's IEP.

So if I'm in a cluster program and I don't need more support than the two or three paraprofessionals assigned to the classroom generally, my IEP would show no paraprofessional minutes because I'm fully supported by those paraprofessionals simply assigned programmatically; is that correct?

>> KATHLEEN GIBBONS: The IEP should read -- I apologize, I don't know if I've seen one where it's reading, but the way it was programmed to read is if the child is in a cluster programming and did not need additional support from the programmatic paraprofessionals, it should read Joy wii is an a cluster program and the support of the programmatic paraprofessionals is sufficient to meet his -- and I think it's academic, behavioral, communication needs. So it indicates the child needs paraprofessional support, they just don't need extra.

>> NANCY KRENT: Got it. And prior to the 16-17 school year, if Joey were in the cluster program, would the paraprofessional minutes that are programmatic paraprofessionals, would those have been on his individual IEP? I'm asking for the 15-16 school year?

>> KATHLEEN GIBBONS: Correct and I also believe for part of the 16-17, I think the change began in the middle of the school year. Up until this most recent change in all of the students in cluster programs, individual minutes were attached to those programmatic paraprofessionals, along with descriptions of what they were supposed to be doing for the student, even though they were programmatic paras.

>> NANCY KRENT: Okay. The next document which I think is in your stack is CPS 1413. Which is the chart of the number of IEPs with paraprofessional support.

>> KATHLEEN GIBBONS: Okay.

>> NANCY KRENT: And Dr. Keenan testified to this as well, but I want to make sure I understand.

The first column is obviously end of the school year, but for 17-18 it's as of February 18th. The middle column says paraprofessional support in the IEP, it's our understanding that that's simile a count of the number of IEPs in the CPS system where paraprofessional support is listed. And then the last category says total paraprofessional minutes in the IEP. Do you see that?

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: Can you tell us when CPS does a total of paraprofessional minutes, is that daily minutes, weekly minutes, or monthly minutes? If you know.

>> KATHLEEN GIBBONS: I -- it's usually taken from the IEP and most of our IEPs are minutes per week.

>> NANCY KRENT: Minutes per week.

>> KATHLEEN GIBBONS: You need to do a caveat because the paraprofessionals are so unique. They could have done you can do minutes per day, weekly, monthly and quarterly in the IEP, so I do not know how that -- our data people pulled this.

>> NANCY KRENT: Ms. Bazer, can you find that out and let us know hopefully?

>> NICKI BAZER: Absolutely.

>> NANCY KRENT: Before the end of the week?

>> NICKI BAZER: Yes.

>> NANCY KRENT: Thank you. All right.

You talked about the staff learned about changes to the SSM system through the updates that you send out and the help documents; is that correct?

>> KATHLEEN GIBBONS: Correct.

>> NANCY KRENT: We've also been told about -- or seen references to something called the knowledge center?

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: Who has access to that knowledge center?

>> KATHLEEN GIBBONS: All CPS staff.

>> NANCY KRENT: What is that?

>> KATHLEEN GIBBONS: That's I believe we call that our internal website.

>> NANCY KRENT: Okay. So it's every document that you would post internally is on something called the knowledge center.

>> KATHLEEN GIBBONS: Correct. And all these documents have been placed on the knowledge center as well as the outward facing website.

>> NANCY KRENT: You mean the guidances and the manual.

>> KATHLEEN GIBBONS: Correct. And the July 2017, when it was also in the knowledge center.

>> NANCY KRENT: All right. And what about webinar documents and --

>> KATHLEEN GIBBONS: Yes. The -- after Dr. Keenan and I do our webinars, the PowerPoint is posted. And then I know at one point they were actually keeping the webinar itself, I just don't know how long the actual webinars stay up. But they are posted for a while.

>> NANCY KRENT: Okay. All right. And now I'm going to ask you about some additional documents that we received during the hearing last week. And those should be the next documents after -- and counsel, those were the four screen shots taken by Ms. Brooks.

All right. So these are a series of screen shots that were taken as you can see, about a week ago. Week and a half ago.

And the first one shows a student where the team checks -- you can see does the IEP team contemplate the ESY services may be needed for this student. It's checked yes. Do you see that?

>> KATHLEEN GIBBONS: Yes.

>> NANCY KRENT: Now, if you flip to the second page, according to this note, it says immediately after clicking save, done editing, a message pops up that say so-and-so is not recommended for ESY services, even though it was clicked the student does.

Can you explain why the SSM system would populate that message if the team had selected that the student should have ESY services?

>> KATHLEEN GIBBONS: I can't explain it. All I know is there's things missing.

>> NANCY KRENT: Okay.

>> KATHLEEN GIBBONS: That what -- the first estimate is do you have

data to support it. And you actually put in all the data and make the decision. So the data sections are not here. So I don't know what happened.

>> NANCY KRENT: Okay. If the data wasn't -- so if the data wasn't uploaded, it would -- this message would populate.

>> KATHLEEN GIBBONS: Yes. This message might populate.

>> NANCY KRENT: And then on the next page, this is apparently a different ESY student because it's a different date and time. And the team checks that the -- the IEP team couldn't place ESY services may be needed for the student and a message pops up that says please see your District Representative in order to discuss ESY at the IEP meeting. Because this is in the time frame in which the -- both the critical skills and the regression recoupment should be open, do you have any idea why the message contact your District Representative would appear?

>> KATHLEEN GIBBONS: No, because again that actual section for the first question pops up, you do your regression recoupment, then the question pops up regarding CIL critical skills, then the question pops up regarding special circumstances.

And so if they hit special circumstances yes, and then they didn't have the district rep at the meeting, this might be the final message. But we're missing the data sections again to know what led that...

>> NANCY KRENT: Okay. Thank you. And then there was one more. This one I believe had to do with transportation. And again, so it says check yes for does your team have data to consider whether transportation may be necessary in order for the student to benefit from FAPE.

And then the message pops up, in order to proceed with eligibility for transportation or participation in the citywide -- of the citywide representative is needed. Based upon what you have, can you explain what circumstances that message would pop up in?

>> KATHLEEN GIBBONS: No. I don't know without knowing the front page to see what school the IEP's reading it off of.

>> NANCY KRENT: Okay. All right. Thank you. We're going to -- if you hold on for one minute, I want to confer with my colleagues, to see if we have any more questions.

All right. My colleagues, Mr. Cozzola, is going to ask you a handful of questions.

>> KATHLEEN GIBBONS: Okay.

>> RICH COZZOLA: It's on. Great.

So since we're on transportation, I'll start there. The slide that you just looked at, which is the one that says transportation-wide, so if...try this another way.

Could you look at 687 in the transportation page in the manual?

>> KATHLEEN GIBBONS: I'm sorry, 687 the manual or --

>> RICH COZZOLA: In the --

>> NANCY KRENT: This the book that that's in front of you.

>> RICH COZZOLA: That should then be the manual Page 77 and 78.

>> KATHLEEN GIBBONS: Which pages?

>> RICH COZZOLA: 77.

>> KATHLEEN GIBBONS: 77.

>> RICH COZZOLA: Start there. So at the top of 77 it says that a student who attends his or her neighborhood school or school of choice and who has a disability -- the second paragraph on the page -- is eligible when at least one of the following, and it has A through D is

present, right?

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: So if a school -- and school of choice includes magnate school.

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: Okay. So and as I understand your testimony earlier, a district rep or principal should not be necessary if a student qualifies under A, B, C, or D in that section, correct?

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: Okay. So can you think of why in an IEP meeting the IEP team all agrees that a student meets one of those and is in magnate school and yet they condition finalize the SSM transportation section?

>> KATHLEEN GIBBONS: No. And so the team should call the help desk. Because there could be something behind the scenes that is not letting the system correct. And so that's why we have the help desk. But no if the system is working correctly, they should be able to pick any of those and get transportation.

>> RICH COZZOLA: And the help desk folk is not kind of an a -- doesn't make substantive judgments about who can or cannot approve if it's a -- it's about SSM and whether SSM is working the right way, is that right?

>> KATHLEEN GIBBONS: Right. The help desk is able to go behind the scenes and say oh, well wait a minute, you clicked that button incorrectly. Unclick it and the system should work. Or we'll wait a minute, you're saying that that doesn't mean magnate, we're reading in the system that they're at noble charter. And so the school might -- maybe they -- the student transferred or something, and so the systems aren't reading the correct school anymore.

>> RICH COZZOLA: Okay. In that situation that I've just described, would that -- could that result in the kind of message that you have on transportation one that Ms. Krent was just asking about, that slide where it says in order to proceed for eligibility contact the District Representative?

Do you know if it could result in that?

>> KATHLEEN GIBBONS: My understanding is that message only popped if you're at one of the charter contract or options schools, so they could be -- the student transferred and it's -- a system is showing the wrong school and not her school. Otherwise I'm not sure why it's reading that.

>> RICH COZZOLA: Okay. So that should be -- the message on that slide in order to proceed contact the citywide district representative, should only be for charter, contracts and -- what are now options/alternative schools.

>> KATHLEEN GIBBONS: Schools -- right, the alternative schools.

>> RICH COZZOLA: These may hopefully be relatively brief.

So when the principal is clicking the box on data for paraprofessional, that's not saying yes, give the child a paraprofessional, no, don't give the child a parapro, it's just saying there is sufficient data for the IEP team to make a decision.

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: Okay. So the judgment is about whether there's enough data.

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: So if it was at -- at one point MTSS data was required for parapro, right?

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: So if there wasn't MTSS data entered and the -- at that point the principal saw -- the principal's checking the box would then also be confirming that there was MTSS data there because that was the kind of data that -- sufficient for the decision.

>> KATHLEEN GIBBONS: Correct. Yes. They should have been saying I see MTSS data.

>> RICH COZZOLA: Okay. When you were talking about the things that had been in the system for a -- that if needed a non -- how you put it -- that needed somebody outside of the school's IEP team to approve and historically going back you said the two areas were the alternate assessment and separate day.

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: And in terms of the SSM system requiring that the -- the district rep or the predecessor title do something, how far back in SSM has that been a thing that had to happen in order for a student to get separate day?

>> KATHLEEN GIBBONS: The separate day predates the electronic IEP. So from the beginning of electronic IEP and then before when we had the paper IEP it was the same rule.

>> RICH COZZOLA: So the same rule but in terms of the electronic IEP then since there's been an electronic IEP, you couldn't get separate day unless the district rep or predecessor position clicked some box.

>> KATHLEEN GIBBONS: Or was at the meeting.

>> RICH COZZOLA: Or was at the meeting.

>> KATHLEEN GIBBONS: Right. The rule's always been that the District Representative needs to be at the meeting or if you have data beforehand, and give it to them and they're comfortable that the data can support a discussion, they can delegate their authority to the school level.

>> RICH COZZOLA: Okay. In SSM would they then -- so version 1 they're at the meeting, was there something historically before the 16-17 year where it was specific to the district -- something only the district rep could do, so the school counselor or case manager, if they tried to click that box, it wouldn't work? Or --

>> KATHLEEN GIBBONS: Correct. Separate day, residential -- not a district placement. And then the alternate assessment. Or certain disabilities.

>> RICH COZZOLA: Okay. And then if the district rep wasn't there ahead of time, or whatever the predecessor position was, they -- that -- whatever that was would be clicked ahead of time. So in other words, I'm really getting at not just -- I think as Nancy was -- as Ms. Krent was trying to get at, not just what the policy was, but whether SSM itself required something special that only the district rep could do.

>> KATHLEEN GIBBONS: Correct, since -- well, since its inception for separate day residential, we've always had to have the -- back then they were called the C's, now they're ODLSS district rep had to be part of that decision-making. Either as a team member at the team, and so SSM can tell that they've signed in, or they delegated their authority through the -- the DR form.

>> RICH COZZOLA: Okay.

>> KATHLEEN GIBBONS: And I cannot remember when the alternate assessment came in. I want to say that also has been since the inception of electronic IEP, because I believe the issue regarding ISBE questioning the students who took the alternate assessment was like back in 2002, 2003. So I believe that's also been since the beginning.

>> RICH COZZOLA: Okay.

>> KATHLEEN GIBBONS: Do you know, I -- alternate assessment would have been after IDEA 2004. So it was probably more 2005 or 2006 when that came up.

>> RICH COZZOLA: And do you know whether that was IDEA, or whether that was no child left behind or SF, do you recall where that came from?

>> KATHLEEN GIBBONS: I think it was -- no child left we hind and then IDEA adopted or brought no child left behind into the special ed world many and I don't know whether it was our first testing season or our second where we got questioned as to the students who took the alternate assessment. And so I know who that was -- I'll call it an audit. An audit was done.

>> RICH COZZOLA: So these are a couple questions about if you know whether the SSM can be programmed to do this.

>> KATHLEEN GIBBONS: Okay. Not sure I can answer.

>> RICH COZZOLA: So on the notes page, can the SSM be programmed to -- the same way that it automatically -- you know, the sections 7, 8, 9, 10, 11 automatically get printed out. Can the notes section also be kind of something mandatorily that's printed out?

>> KATHLEEN GIBBONS: Yes. I believe that we could add that to the highlighted section. That they would have to unclick the button. I would have to check. But I --

>> RICH COZZOLA: And the same for dissent?

>> KATHLEEN GIBBONS: Yes. I think the same rules would apply.

>> RICH COZZOLA: Okay. And then the -- at what point did the -- I think you said it was the dissent that used to get entered into the event log or was it the notes that --

>> KATHLEEN GIBBONS: We had a dissenting opinion longer than we've had the notes page. When the electronic IEP first started if the event log was where they -- the case managers were instructed to capture any -- don't make it in the IEP and capture all their different activities.

>> RICH COZZOLA: So when did it change then from what's now the notes page as opposed to being in the event log, if you know?

>> KATHLEEN GIBBONS: I don't know off the top of my head.

>> RICH COZZOLA: Okay.

>> KATHLEEN GIBBONS: I want to -- add notes at least two school years.

>> RICH COZZOLA: Okay.

>> KATHLEEN GIBBONS: But I don't know for sure. We could find out.

>> RICH COZZOLA: Okay. That's all I have.

>> RUPA RAMADURAI: Ms. Gibbons, I just had two questions for you. Is there district representative involvement needed with respect to decisions around SLD?

>> KATHLEEN GIBBONS: No.

>> RUPA RAMADURAI: And then is there a District Representative involvement with respect to decisions around 18?

>> KATHLEEN GIBBONS: No. We have central office staff who do the 18

evaluations and do reports and make recommendations, but they don't -- there is no -- the District Representative doesn't have to take part in had I any of that.

>> RUPA RAMADURAI: Thank you.

>> NANCY KRENT: All right. Thank you. We have completed our questions. We're going to take a quick break since it's eleven o'clock and you've been patiently sitting there dealing with your -- with us for two hours.

We'll take about 15 minutes. And I'd like to have a brief moment with the parties just to confirm some timing issue with regard to the further question of this witness. At the break.

We're -- we will break. It is now eleven o'clock. We will redo you mean promptly at 11:15. Thank you.

(Break.)

>> NANCY KRENT: It's 11:15 and we're...it's is 1:15, we're back in session. Ms. Gibbons, the parties have some questions for you now. Again I'll remind you to make sure you're speaking into the microphone so we can hear you.

>> KATHLEEN GIBBONS: Okay.

>> NANCY KRENT: The advocates will begin. We will give you a warning after you're used 30 minutes.

>> MATT COHEN: Ms. Gibbons at the outset and I have known each other for a real long time, so if I slip and call you Kathleen, I apologize.

>> KATHLEEN GIBBONS: That's okay.

>> MATT COHEN: No disrespect on that. I think you had a chance to cross-examine me one -- way back.

>> NANCY KRENT: I know you only have 30 minutes but you do need to slow down for the transcriber.

>> MATT COHEN: That was actually off the record -- Ms. Gibbons, to start with, how many IEP meetings have you attended in the past year?

>> KATHLEEN GIBBONS: In the past year, none. I've only done 504 meetings.

>> MATT COHEN: And the year before that?

>> KATHLEEN GIBBONS: I don't believe I did. I've been doing 504 meetings more than IEPs -- I've attended hundreds of IEP meetings, while at CPS. But the last two school years I don't -- I can't recall any.

>> MATT COHEN: So you don't have any direct knowledge of the success or difficulties that IEP teams have encountered in using SSM while at an IEP meeting, correct?

>> KATHLEEN GIBBONS: Only what I've been told by IEP members.

>> MATT COHEN: And are you a technology or software specialist?

>> KATHLEEN GIBBONS: No.

>> MATT COHEN: Were you involved in following the policies and guidelines that emanated out of the 2016 task force?

>> KATHLEEN GIBBONS: I helped draft the procedural manual. And...did the ESY guidelines and all the other guidelines I was then an editor.

>> MATT COHEN: Did you review the SSM documents to ensure that they were consistent with the guidelines?

>> KATHLEEN GIBBONS: I see the SSM announcements.

>> MATT COHEN: The SSM software itself, did you review that to ensure -- that the guideline --

>> KATHLEEN GIBBONS: We do -- there's quality control.

>> MATT COHEN: I'm asking you about personally.

>> KATHLEEN GIBBONS: Right. I have a weekly SSM meeting where issues are brought to us and we can do whatever changes are done, they then flight for us to see if it's working before it goes live.

>> MATT COHEN: Brier to this inquiry did you go through the entire SSM process and check every page to make sure it was consistent with the guidelines.

>> KATHLEEN GIBBONS: At one point or another since 2009, yes.

>> MATT COHEN: Since December of 2016 have you done that prior to this inquiry?

>> KATHLEEN GIBBONS: Yes. That's part of our weekly SSM meeting.

>> MATT COHEN: And you said that there's a bulletin or a notice that's sent out to all of the staff for changes in that system?

>> KATHLEEN GIBBONS: They're SSM announce mens and SSM help desk.

>> MATT COHEN: Is there documentation of how many calls are received by the help desk?

>> KATHLEEN GIBBONS: I don't know.

>> MATT COHEN: Would it be fair to say that there was a lot of confusion about the use of the SSM after it was implemented in the 2016-17?

>> KATHLEEN GIBBONS: I can't -- I'm not aware of a lot of confusion. I know we had issues but I can't tell you if any more or less than the help desk normal gets.

>> MATT COHEN: There are literally hundreds of pages of SSM pages that CPS produced indicating the different pages of forms that need to be completed on the document, correct?

>> KATHLEEN GIBBONS: That's all the different versions of if you say yes, follow that line, if you say no.

>> MATT COHEN: Has there been any follow-up with the CPS staff to determine whether they actually understand how SSM works?

>> KATHLEEN GIBBONS: The ODLSS district reps have -- they're supposed to be -- monthly, but I am a he not going to swear, if it happens every month, meetings with case unanimous managers where changes and issues are discussed.

>> MATT COHEN: And you said that there were webinars and those meetings. Are those mandatory?

>> KATHLEEN GIBBONS: The webinars, no.

>> MATT COHEN: And you also said that you and Dr. Keenan had been conducting monthly trainings or webinars.

>> KATHLEEN GIBBONS: Right. I mean we've missed the last couple of months because of this inquiry. But yes.

>> MATT COHEN: But the policy guideline didn't go into effect until February 2018, the current one; correct?

>> KATHLEEN GIBBONS: Well we've been doing the changes, the webinars started...may have started last spring but I know we did one in September/October. And I believe November.

>> MATT COHEN: You couldn't do a training on the 2018 guideline because it didn't exist, right?

>> KATHLEEN GIBBONS: Right. We had the July 2017 guideline, we had -- we wanted to bring clarity to the fair justification form. I believe we did one on the extended school year. That discussion starts in the fall.

>> MATT COHEN: And there -- data kept on whether the teachers, and related service professionals and case managers actually participate in

those trainings? Is there?

>> KATHLEEN GIBBONS: What we have is which computer at the school would have signed in, but you -- I could sign in me and we would have three people on my computer. So you can't tell all participants.

>> MATT COHEN: The training is not mandatory, correct?

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: Has there been any training for parents on the use of the SSM?

>> KATHLEEN GIBBONS: On the use -- I -- recently, no. I cannot say though whether -- when it first went live in 2009 whether we did a parent piece. I honestly don't remember.

>> MATT COHEN: Has there been any training for parents since the changing were made in December of 2016?

>> KATHLEEN GIBBONS: No.

>> MATT COHEN: On the use of SSM?

>> KATHLEEN GIBBONS: Not that I am aware.

>> MATT COHEN: Same question with regard to the 2016 policy guidelines, has there been any training for parents on the new guidelines since then?

>> KATHLEEN GIBBONS: Not that I'm aware of.

>> MATT COHEN: And has there been any training for parents on the February 2018 guidelines.

>> KATHLEEN GIBBONS: No, that's one of the thins on Dr. Keenan's list she's starts the new parent group and so this will be probably one of the issues as part of that.

>> MATT COHEN: So but to me -- I don't know how many people are on the parents group but there are 50,000 families in CPS with kids with IEPs. So a parent group to me doesn't really equate to training the parent community. Is there any plan that you are he an aware of to actually train the parents who are involved with their 50,000 children on how this process works?

>> KATHLEEN GIBBONS: It was my understanding as part of that parent group there was a training component. But I'm not part of that so I don't have any specific knowledge.

>> MATT COHEN: You also talked about the use of the notes section of the IEP and that's not an automatic section that's completed, correct.

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: Is there any rule for when the notes section is completed?

>> KATHLEEN GIBBONS: No, there's only guidelines.

>> MATT COHEN: Is there any rule for when the notes section has to be shared with parents?

>> KATHLEEN GIBBONS: Yes, that's part -- if the notes section is completed, that should be printed out with the IEP as they give the IEP to the parent. That's part of the finalized IEP.

>> MATT COHEN: Is there any monitoring that's done by CPS to see if IEP teams are actually printing out the notes section, when parents are given a copy of the IEP?

>> KATHLEEN GIBBONS: Not that I'm aware of.

>> MATT COHEN: Are you aware of whether that's actually happening or not?

>> KATHLEEN GIBBONS: Whether the note section is being printed out?

>> MATT COHEN: Right.

>> KATHLEEN GIBBONS: No.

>> MATT COHEN: And is there any training provided to parents about when a parent can request if something be recorded in the notes section?

>> KATHLEEN GIBBONS: Not that I'm aware of.

>> MATT COHEN: Where is the rule that defines the use of the notes section recorded?

>> KATHLEEN GIBBONS: I think it's in the manual.

>> MATT COHEN: You can just find that quickly.

>> KATHLEEN GIBBONS: Sure.

>> MATT COHEN: You know what, let's move on.

>> KATHLEEN GIBBONS: Okay.

>> MATT COHEN: You talked about transportation with Ms. Krent, and you said that the district representative needs to be in the IEP meeting if it involves a child who's attending a charter school, a contract school or an option school; correct?

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: And also if there's an issue about a FAPE need for a transportation; correct?

>> KATHLEEN GIBBONS: Right. Around the purple form for the preschoolers.

>> MATT COHEN: So is there a need for district representative to be involved in the IEP decision if a child needs transportation for behavior reasons?

>> KATHLEEN GIBBONS: No.

>> MATT COHEN: And why is that?

>> KATHLEEN GIBBONS: Because the IEP team can make that decision just as well as if it's for cognitive reasons.

>> MATT COHEN: So it's your understanding that the district rep is not needed for that purpose.

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: And if you would turn to...document 1261, I'm not sure if that was provided or not. CPS document 1261.

>> NANCY KRENT: No. One of us left -- has to get it for her.

>> KATHLEEN GIBBONS: I found in the manual, it's on Page 80 where the IEP notes are discussed.

>> MATT COHEN: Thank up.

>> NANCY KRENT: That's Page 688. I believe.

>> MATT COHEN: Of the manual.

>> NANCY KRENT: CPS 688 in the manual's title --

>> MATT COHEN: Well, 61 is where I am now.

>> NANCY KRENT: Got it.

>> KATHLEEN GIBBONS: Okay.

>> MATT COHEN: This is SSM section relating to transportation.

>> KATHLEEN GIBBONS: Okay.

>> MATT COHEN: It lists I think five different circumstances for transportation might be needed. The first is a physical or orthopedic impairment. Second is persistent medical condition. The third is documented history of behavior. Fourth is intellectual sensory communication, hearing, vision. And the final one is required to benefit from a Free Appropriate Public Education. At the bottom there it says in order to proceed with eligibility for transportation service, the participation of the citywide District Representative is needed. You see that?

>> KATHLEEN GIBBONS: Right.

>> MATT COHEN: And is that relate to all five of those cat grays?

>> KATHLEEN GIBBONS: No, it's only the last yes.

>> MATT COHEN: How would someone reading that know that?

>> KATHLEEN GIBBONS: Because that's the one that they checked yes as a reason for needing transportation. All the other ones were checked no.

>> MATT COHEN: So this would only pop up if that category was checked. Not any other checked category.

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: And your -- you testified to Ms. Krent that the concern was to have the data present for the team to make a decision when the DR was reviewing the data; correct?

>> KATHLEEN GIBBONS: I'm not sure I understand.

>> MATT COHEN: I believe you indicated to Ms. Krent that the -- she asked you a number of questions about the presence of data versus qualitative data.

>> KATHLEEN GIBBONS: Okay.

>> MATT COHEN: Do you remember that?

>> KATHLEEN GIBBONS: Okay.

>> MATT COHEN: And so the question is in regard to the need for transportation, for FAPE purposes, is there -- are there criteria for what information would constitute a basis that transportation is needed for FAPE purposes?

>> KATHLEEN GIBBONS: This is a special circumstances. And so this -- it would be very individualized as to the child.

>> MATT COHEN: My question is are there criteria. So the answer is no?

>> KATHLEEN GIBBONS: The answer would be no.

>> MATT COHEN: If there are no criteria, does the District Representative have to make an individual judgment about whether the data is qualitatively adequate or just that there is data present that's -- that would allow for review?

>> KATHLEEN GIBBONS: That's data present that would allow for the discussion.

>> MATT COHEN: Is it possible that one team would say that there -- the same set of data that they felt that that supported transportation and another team would feel that it doesn't?

>> KATHLEEN GIBBONS: That could happen.

>> MATT COHEN: And that would suggest an absence of consistency in terms of application with the service, correct, provision of service, right?

>> KATHLEEN GIBBONS: No, because both teams were making it based on the data and then related to that individual child.

>> MATT COHEN: Are you aware of whether there's any training of teams with respect to what data is necessary to support provision of transportation?

>> KATHLEEN GIBBONS: The only thing I'm aware of is the ODLSS district rep case manager training where they go over that and so they would -- it's very school-specific as to what the case manager brings back to the team.

>> MATT COHEN: And there's no criteria to bring back if the criteria don't exist, correct.

>> KATHLEEN GIBBONS: I believe examples are given as to what a special circumstance could be in the training but I don't have the

training in front of me.

>> MATT COHEN: Is there any guidance given to parents about what the rules are with respect to transportation and relates to documentation?

>> KATHLEEN GIBBONS: Only what would be in the procedural manual and the transportation guideline.

>> MATT COHEN: But you're not aware of any training having been done on the procedural manual since December 2016 for parents; correct?

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: The procedural manual, dice 2016 wasn't on the website, correct?

>> KATHLEEN GIBBONS: My understanding it was only there one day.

>> MATT COHEN: July 2017 was only -- you're not sure if that was up or not, correct?

>> KATHLEEN GIBBONS: I know for a fact it was on the knowledge center. I also thought it was on the CPS.EDU. But I never look at it there. I went to the knowledge center.

>> MATT COHEN: Okay. And it has finally been posted on the -- in relation to the February 2018 --

>> KATHLEEN GIBBONS: I did look to make sure it was on CPS.EDU.

>> MATT COHEN: In regard to the issue of data that's needed, why would the team collect data on either transportation or paraprofessional if they didn't think it was necessary?

>> KATHLEEN GIBBONS: Well, they collect the data because there's a possibility that one of those two services would be needed but the data then could indicate it's not. But they're collecting it because they want to have that discussion.

>> MATT COHEN: Why would they have a discussion about something that they don't perceive to be a need?

>> KATHLEEN GIBBONS: Well the pair parent could have brought it up and asked for it. It could be one teacher and brought it up. Other teachers did, so some member of the IEP team has put potential para support or transportation on the table as a discussion item at the IEP meeting.

>> MATT COHEN: If there's a discussion at the IEP team and the team all agree that either a para or transportation is needed, and the principal was a District Representative disagree, is the service provided or rejected?

>> KATHLEEN GIBBONS: I -- it would depend on the IEP meeting. If the ODLSS district representative and/or the principal was acting as the LEA district rep, they're the final decision-maker as to the offer of FAPE.

>> MATT COHEN: So the service could be rejected if data had been released, it's not necessary.

>> KATHLEEN GIBBONS: And they're at the meeting and provide the basis for it.

>> MATT COHEN: If they're not at the meeting the decision couldn't be finalized either, right?

>> KATHLEEN GIBBONS: If they did not delegate it.

>> MATT COHEN: Yes.

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: And then there would have to be another meeting scheduled.

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: You testified to one of the panel that you thought

there might be another meeting two weeks later, is there any follow-up to see whether those meetings occur and when they occur?

>> KATHLEEN GIBBONS: No, that would -- no.

>> MATT COHEN: And if the meeting occurred in say May or June of the school year, and there wasn't a LEA rep at the meeting, it could well throw the meeting into the following school year, correct?

>> KATHLEEN GIBBONS: I guess if it happened the last week of school it could. But we -- with the parent waiting the ten days, unless it was literally the last week of school and they know when --

>> MATT COHEN: To have a meeting in two or three weeks -- -- if the available at the meetings at the same time as the parent and the team that's often a problem, isn't it?

>> KATHLEEN GIBBONS: I don't know how often that's a problem.

>> MATT COHEN: With respect to the issue of the data needed for...private placement, therapeutic day or residential, there needs to be five weeks of data of behavioral interventions followed by five weeks of data of behavioral interventions, correct?

>> KATHLEEN GIBBONS: That's recommended best practices.

>> MATT COHEN: That's what's required in the guideline, isn't it?

>> KATHLEEN GIBBONS: Right. We explain the recommended best practices yes.

>> MATT COHEN: But it doesn't say anything about recommended best practice in the guideline, it just says that's the rule, isn't it?

>> KATHLEEN GIBBONS: That's always been the rule but our schools have been doing this since I started in '94 and they know to call when it's not -- current lid the ODLSS district rep if they have a student who's in crisis to shorten the time frame.

>> MATT COHEN: And it doesn't say that in the guidelines.

Is there anywhere else you're way ware of that says that?

>> KATHLEEN GIBBONS: No.

>> MATT COHEN: And after there's been five weeks of data followed by five weeks of data, are they still required to come up with data points in addition to that?

>> KATHLEEN GIBBONS: No.

>> MATT COHEN: And if -- if it's not in the guideline, how do you have confidence or how would a parent know that there could be an exception to the rule?

>> KATHLEEN GIBBONS: I know from contact with schools, I guess I deal more generally the exceptions than the actual rules.

>> MATT COHEN: You deal with the exceptions that come to your attention.

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: If a parent doesn't know there's a procedure for an exception they wouldn't know to ask for the district rep to come to the meeting, correct.

>> KATHLEEN GIBBONS: That's correct but usually in separate situations with school staff and they do know.

>> MATT COHEN: You also said that there -- would typically be tier 2 and tier 3 interventions. Does the guideline specify how many days of each are required, tier 1, 2, and 3?

>> KATHLEEN GIBBONS: I'm sorry, I'm confused as to what are you asking?

>> MATT COHEN: Sure. The guideline on Page 131, which you referred to, says high quality tier 1 instruction and appropriate tier 2 and

tier 3 interventions were provided and progress was monitored for Fidelity.

Doesn't that suggest that actually there needed to be interventions involving all three tiers prior to approving the placement?

>> KATHLEEN GIBBONS: Well, normally for a child to get to tier 3 they've already gone through tier 1 and tier 2.

>> MATT COHEN: Right. If a student hasn't been to any of those and they're in crisis, absent an emergency or an exception they would have to go through all three levels, correct?

>> KATHLEEN GIBBONS: The best practices is to try to intervention, yes.

>> MATT COHEN: I'm not asking about best practice, I'm just asking about what this would be.

>> KATHLEEN GIBBONS: Yes.

>> MATT COHEN: This being the CPS policy on Page 131.

You said that there is a procedure or the draft IEP should be sent home to parents five days in advance?

>> KATHLEEN GIBBONS: Yes.

>> MATT COHEN: Is that in the policy?

>> KATHLEEN GIBBONS: Yes that's in the procedural manual.

>> MATT COHEN: Do you know whether that actually happens.

>> KATHLEEN GIBBONS: Yes, I do know. IEP teams have sent home drafts.

>> MATT COHEN: You actually monitor that to make sure that's happening consistently.

>> KATHLEEN GIBBONS: No, I don't monitor that. You asked if I knew it had been done and --

>> MATT COHEN: It had been done. Do you know if any CPS monitoring to ensure that's happening consistently?

>> KATHLEEN GIBBONS: No.

>> MATT COHEN: You don't have any CPS monitoring to know that notes are being given to parents consistently; correct?

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: You indicated in relation to extended school year I believe that the teams can decide when to provide ESY and that the District Representative is generally only needed --

>> KATHLEEN GIBBONS: For special circumstances.

>> MATT COHEN: For special circumstances. So turning to Page 706 -- in the interest of time I'm just going to read it. It says this is a CPS document Page 706, John is not recommended for ESY at the time and the team may reconvene to discuss ESY services between November 15th and May 10th. This was a SSM model where apparently the data was obtained prior to November 15th.

So --

>> KATHLEEN GIBBONS: Correct. That's what the IEP read.

>> MATT COHEN: That's what the IEP read. But that would indicate in fact they can't make a decision prior to November 15th; correct?

>> KATHLEEN GIBBONS: Right. Because they need the regression recruitment data to make a database, data-driven decision, you have to give them the ten weeks in order to make that decision. That doesn't mean they can't discuss it and say what's going on with the ultimate decision, we need to give the child enough time to show regression recoupment.

>> MATT COHEN: How is it decided that ten weeks is needed?

>> KATHLEEN GIBBONS: That was based on ISBE recommendation of the 30 school days.

>> MATT COHEN: 30 school days is six weeks; correct?

>> KATHLEEN GIBBONS: Correct. And the CPS team thought first quarter, which is the 10 weeks.

>> MATT COHEN: You're actually deviating from the ISBE recommendation.

>> KATHLEEN GIBBONS: The ISBE recommendation is that Gen Ed students, nondisabled students usually need 30 school days to recoup what they've lost over the summer, so then you need to give a student with a disability extra time to see how close they are to their nondisabled peers. So that was the extra four weeks.

>> MATT COHEN: Okay. On Page 711 of the SSM documents that CPS produced, it says in relation to regress recoupment this data being collected under regression recoupment, yes. And it says under that minimum 1-10 weeks of data is required.

>> KATHLEEN GIBBONS: Right.

>> MATT COHEN: Can you explain that?

>> KATHLEEN GIBBONS: Sure the child recoups, you can stop taking data.

>> MATT COHEN: If a person didn't know that, might they think that they could collect regression data for a week and it would be sufficient?

>> KATHLEEN GIBBONS: I believe in the manual on the guidelines it explains that you keep taking the data until the child recoups, the skill. Which you're taking the data on or you reached ten weeks.

>> MATT COHEN: And then it goes on to stay if the student has not recouped by week 8 the people must reconvene to discuss the appropriate goal -- why does it require a meeting after eight weeks when the data requirement is ten weeks?

>> KATHLEEN GIBBONS: Well, the IEP team on notice that if the child has not recouped, are you actually doing the correct special ed instruction at that point and we probably need to revise the IEP goals in addition to discussing just ESY services.

>> MATT COHEN: There's been testimony in the forms indicate that if a child meets a goal by June of the school year, who's previously been identified as eligible for ESY, and that was the only goal, that then they don't qualify for ESY. Is that your understanding?

>> KATHLEEN GIBBONS: Yes.

>> MATT COHEN: And if a child meets the goal does it mean that their need has ended in that area?

>> KATHLEEN GIBBONS: No, it just means they've met the goal so there's nothing actually to work on during ESY.

>> MATT COHEN: There would be nothing to work on unless the team reconvened to say that the goal is still important and we're going to increase the level of mastery we're looking for, correct.

>> KATHLEEN GIBBONS: They can do that. Nothing is stopping them from once they hit mastery, if they think the child needs ESY to then revise the goal.

>> MATT COHEN: But the effect of this rule is to say that if they meet the goal by June, that ESY is terminated; isn't that right?

>> KATHLEEN GIBBONS: Based on that goal, but you just changed the goal.

>> MATT COHEN: And there's nothing in the form that says if they

meet the goal in June that there should be a meeting to decide whether the goal should be revised, correct?

>> KATHLEEN GIBBONS: Correct. I'm not sure it says that.

>> MATT COHEN: You also talked about the revision of ESY for critical skills and identified critical skills in the area of academic and functional, correct.

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: Can a student qualify for ESY based on progress they're making in a critical skill related to behavior?

>> KATHLEEN GIBBONS: I believe that's under the functional. I don't have them in front of me.

>> MATT COHEN: So in your opinion they could.

>> KATHLEEN GIBBONS: Yes.

>> MATT COHEN: But it doesn't actually describe any behavioral issue in the functional list.

>> KATHLEEN GIBBONS: I don't have it in front of me. I can't remember. But yes, I do believe they can qualify for behavior.

>> MATT COHEN: Is there any documentation kept at the district representative's decisions with respect to any of the issues that they have to verify that they're approving the data on?

>> KATHLEEN GIBBONS: What do you mean, what kind of data?

>> MATT COHEN: Is there any -- a log which it says what they did, they reviewed the data, they decided that data was adequate, inadequate; they delegated or didn't delegate?

>> KATHLEEN GIBBONS: The district representative forms would indicate under the district rep delegated the authority or said they had to be at the meeting, and then the IEP itself would show whether they signed it at the meeting. And that the IEP would show the decision.

>> MATT COHEN: Is there any place where it's documented what is missing? What the district rep feels is missing that would have to be provided?

>> KATHLEEN GIBBONS: No. That would be in communication which we have in the school team.

>> MATT COHEN: Is there any procedure for notifying parents of the reasons that the data is felt by the District Representative to be incomplete?

>> KATHLEEN GIBBONS: No, except for whatever would be given to the parents as part of the draft. I'm not sure if it would be in there.

>> MATT COHEN: The -- going to the issue of placement, the SSM form indicates on Page 794 that the district rep must review when there's a separate day placement, residential program or home hospital, apparently, in relation to -- it says placement DR review -- I'm going to hand you this in the interest of time.

>> KATHLEEN GIBBONS: Okay.

>> MATT COHEN: Is that the requirement that the DR had as to be involved with respect to all out of district placement decisions?

>> KATHLEEN GIBBONS: Yes.

>> MATT COHEN: And what date that is your understanding is required for them to decide that the out of district placement can go forward?

>> KATHLEEN GIBBONS: That's very student specific.

>> MATT COHEN: They could decide that it should not go forward even though the team is unanimous other than them that it should go forward.

>> KATHLEEN GIBBONS: We can only make that decision if they're at

the IEP meeting --

>> MATT COHEN: But if they're not at the meeting, the decision can't be made?

>> KATHLEEN GIBBONS: They have to go the meeting. They're ear delegate or go to the meeting. Only choices.

>> MATT COHEN: If they're not at the meeting, the team can't go ahead without them, correct is this.

>> KATHLEEN GIBBONS: Correct. They have to invite them.

>> MATT COHEN: If they invite them and they're not there and they're not delegating, the decision has to be postponed; correct?

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: So I understand the process and I'm going to conclude, do you believe that parents should be equal participants in the IEP process?

>> KATHLEEN GIBBONS: Yes.

>> MATT COHEN: And if parents did not have access to all of these changes that occurred, including both the SSM process and the procedures and manual and the changes in the budgeting that affected staff allocation, how is it possible for parents to be meaningful participants in the IEP process?

>> KATHLEEN GIBBONS: I don't know if I can -- you -- got -- I mean the parents, the -- all the budgeting processes is all on the public website, are documents on the public website to individual schools do different training. The parents are supposed to get the IEP documents ahead of time. To allow them to have meaningful participation.

>> NANCY KRENT: It's been 30 minutes.

>> MATT COHEN: All done.

>> NANCY KRENT: Thank you.

>> NICKI BAZER: I just have a -- I just have a quick follow-up to that.

Parents are also -- they walk through the IEP at the IEP team meeting, is that correct?

>> KATHLEEN GIBBONS: Correct.

>> NICKI BAZER: And so all of the different documents that we've looked at in the SSM system are looked at in -- at the IEP table in effect with the parents there.

>> KATHLEEN GIBBONS: Yes.

>> NICKI BAZER: And when we talk about data, I know we talked a lot about data that the team collects, but can you give us sort of your understanding of what kinds of data go into an IEP decision.

>> KATHLEEN GIBBONS: Well, it's varies depending which decision we're making. But if it's an annual IEP it should have all the progress monitoring data from the prior IEP. So all of the data regarding the successfulness or the issues that we've had with AT devices, modifications, each of our goals tell the IEP team how there's a progress monitor. So all of that data should be shared. And they should have that whether it's charting, grafting, you know, logs, whatever it is.

It can be anecdotal records, anecdotal reports from the different teachers from the parents. From the paraprofessional. If the child has a paraprofessional, they -- the paraprofessional also has instructions throughout the year of what data they're supposed to be keeping for the child. If we're discussing ESY, it would be the regression recoupment, critical skills, or special circumstances data.

What parts did I -- if it's a functional behavior assessment, behavior intervention plan it would be whatever behavior we're targeting, see what interventions have been used, whether they're successful or not. Section 7 of the IEP starts us off. And in that you're supposed to do a recap of everything that's been done on the last IEP or if this is the first IEP, what's been done with the child. So that we can then build going forward. And keep everything data driven.

>> NICKI BAZER: Why is it important to make decisions based on data with the broad definition that you've just given?

>> KATHLEEN GIBBONS: To make sure that we have the right services for the student, that they'll be effective. Using say okay we're going to do books on tape, if the child has an auditory processes problem, the fact that we're using it with seven other kids isn't going to help this Joey. We need to make sure it's student specific and it's effective.

>> NICKI BAZER: And do you believe that making data driven decisions is helpful to parents participation in the IEP process?

>> KATHLEEN GIBBONS: Oh, absolutely. It's helpful that the parents bring in whatever anecdotal data or data that they have from -- at home because often you see different behaviors at home than are occurring in school. And to figure out where the disconnect is.

>> NICKI BAZER: I have no further questions. Thank you.

>> NANCY KRENT: That was just under three minutes.
30 minutes.

And Mr. Cozzola has a question.

>> RICH COZZOLA: Okay. First I'm going to go back to transportation. So I'm asking if you in the -- try to find -- what I'm looking at is CPS 685 and then CPS 145. So those are the transportation section and procedural manual February, and then the guideline, 145 is the guideline for February.

>> KATHLEEN GIBBONS: 85?

>> RICH COZZOLA: 6...

>> NANCY KRENT: 685.

>> RICH COZZOLA: 685. CPS.

>> NANCY KRENT: I think you're in the wrong binder.

>> KATHLEEN GIBBONS: I'm in LRE.

>> NANCY KRENT: Right. It's the white binder I think.

>> KATHLEEN GIBBONS: Sorry about that.

>> NANCY KRENT: The one that says "manual."

>> KATHLEEN GIBBONS: Sorry. Okay. I'm at 685.

>> RICH COZZOLA: So what I'm trying to get at is maybe some of the confusion that you heard about -- regarding transportation. So at the top of 685, which is 77 in the February manual, there's a paragraph that summarizes one of the things said. The student is attending a charter, contract or options school, the ODLSS district representative is part of the IEP team and acts as District Representative at the meeting unless he or she delegates that role to the local rep.

>> KATHLEEN GIBBONS: Right.

>> RICH COZZOLA: Now there is no similar paragraph in there about magnet schools.

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: Correct? Okay. And when you go to then the areas we talked about before, A and B are medical conditions; right?

Orthopedic and chronic for persistent medical condition.

>> KATHLEEN GIBBONS: Yes. Yes.

>> RICH COZZOLA: And C and D are nonmedical, is that right?

>> KATHLEEN GIBBONS: Yes.

>> RICH COZZOLA: Now, turn to the -- on the next page, 686, it says verification requirements.

>> KATHLEEN GIBBONS: Yes.

>> RICH COZZOLA: And then when you turn that over, in the bottom box it says other nonmedical, there it says old district representative, capital letters, must act as the district representative. That's what it says, right?

>> KATHLEEN GIBBONS: That's not correct.

>> RICH COZZOLA: Okay. And that's not correct.

>> KATHLEEN GIBBONS: I apologize, that's not correct.

>> RICH COZZOLA: And that may be one of the sources for confusion in the office, or if you're in a school, that might be a source of confusion of the two things.

>> KATHLEEN GIBBONS: Yes. The only time that old district rep is needed is the special circumstances that we talked about. Where it doesn't fit one of these four conditions. So yes. That is incorrect.

>> RICH COZZOLA: And then when you go back -- so now I'm going to ask you to look at...in the -- in the other one -- the little tiny manual, 145. So the manual right there.

>> KATHLEEN GIBBONS: This one? Okay.

>> RICH COZZOLA: And actually if you go to 150 in that annual, this the -- not the annual, this is the transportation guideline; right?

I think you have to go back four or five pages.

>> KATHLEEN GIBBONS: Yes.

>> RICH COZZOLA: That's the transportation guideline. That then has that same error, right?

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: And one other -- if you go to Page then 145 which is the beginning of -- or where it discusses the roles and responsibilities of transportation meeting, it says old district representative -- and it describes the role and it says -- says if the student is attending a charter or option school they have to be present.

>> KATHLEEN GIBBONS: Right.

>> RICH COZZOLA: Doesn't say they have to be present for a --

>> KATHLEEN GIBBONS: Magnate.

>> RICH COZZOLA: Or even the local school, the neighborhood school.

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: But it does say if the preliminary data does not appear to support a need for transportation, then the Olds ODLSS representative has to attend the IEP meeting, is that right?

>> KATHLEEN GIBBONS: Right. And that --

>> RICH COZZOLA: That's meant to refer to the paragraph above, not being independent.

>> KATHLEEN GIBBONS: Correct.

>> RICH COZZOLA: Could that possibly be clarified?

>> KATHLEEN GIBBONS: Yeah, probably should be pushed in. Indented.

>> RICH COZZOLA: Okay.

>> MATT COHEN: I have a few follow-ups.

>> NANCY KRENT: Let's make sure that Mr. Cozzola is done before we

let you start questioning.

>> MATT COHEN: I see.

>> RICH COZZOLA: And then I'm going to ask you to look...I'm showing you from the -- this is not on transportation, this is on the ESY questions.

>> KATHLEEN GIBBONS: Okay.

>> RICH COZZOLA: I'm having you look at 1950 which is part of Dr. Keenan's affidavit.

>> KATHLEEN GIBBONS: Okay.

>> RICH COZZOLA: That I don't know if it was submitted after you were out of town or were still in town. But Page 7. And I'm directing you to paragraph 1950, begins with the word "finally." And quickly read through it. Or take your time to read through it. Either way is fine. Okay.

That's meant to address -- kind of the same circumstances Mr. Cohen was asking you about, if the goals are accomplished, what should the team then do; correct?

>> KATHLEEN GIBBONS: Correct. This puts everybody on notice that if the child meets the goal, there's not going to be anything to work on in ESY. So do you want to identify a different goal? Or more than one goal? Or change the goal?

>> RICH COZZOLA: Right. So if it -- so it's a notice -- Dr. Keenan's affidavit said it's notice to parents and all A team members what will be addressed during ESY if a student meets his or her benchmark there's no longer a base mark for the ESY goal. Then it says at the IEP meeting the team sees this language and can discuss identifying other goals to be addressed.

The language about the team -- in SSM it doesn't pop up saying okay this language that they met the goal, there's no longer a basis for ESY -- how to say this -- a suggestion that the team then reconsider whether there are other goals or more -- a different goal does not automatically pop up in SSM at that point, right?

>> KATHLEEN GIBBONS: When you say done editing and if you completed all the red required sections, what pops up is in the quotes. And so that is what prints out.

>> MATT COHEN: Could you read that to us?

>> KATHLEEN GIBBONS: Sure. If student name, meets his or her goals/benchmarks for the June IEP report card the goal will not be addressed during ESY. If that is the only goal to be addressed during ESY, student name is no longer eligible for ESY. So you have to say done editing that part.

>> RICH COZZOLA: So as the IEP team -- or how would a parent know that if he or she thought there were other goals that needed to be addressed, this would be the point to say I'm really glad he made these goals, but there's these other goals that I think need to be addressed, and therefore I want the IEP meeting to go forward?

>> KATHLEEN GIBBONS: Before you get to this section, all of the students' goals from their IEP pop up in the different area of needs identified. And they check -- they either accept the goal that this will be worked on in ESY or they deselect it. So there should be a discussion about all the different goals the student has.

>> RICH COZZOLA: But those are said earlier in the year. Those are set earlier. But when you come to the -- let's say this is happening late in the year. So April or May.

>> KATHLEEN GIBBONS: Okay.

>> RICH COZZOLA: And the student has met all these goals but the parent still wants to have a discussion about I think there's other goals to really make progress -- how would the parent know that there's an opportunity to do that if this language pops up without something that says ask the parent whether there are other goals that they think need to be met -- or that -- or to meet regression recruitment or critical skills or any of the --

>> KATHLEEN GIBBONS: I'm not sure I understand the question. So is it goals that aren't already in the IEP?

So brand-new goals.

>> RICH COZZOLA: Right. So early -- student meets whatever the goals are by the time the April meeting comes along. So the team then -- this pops up, says student not eligible because they're meeting their goals.

How does the parent or -- how does the parent know that they can say at that point there's other goals that I think would be appropriate for ESY?

>> KATHLEEN GIBBONS: The reason I'm hesitating is when you get to the ESY section, all the current goals are discussed. Or can be discussed because you select or deselect them. So I think what you're asking is it's a goal that's not even in the current IEP.

>> RICH COZZOLA: Right.

>> KATHLEEN GIBBONS: That would be just like whether -- for ESY or anything, if a parent believes that an area of need has not been addressed or a goal, additional goal is needed, they need to ask for a revision to the IEP.

>> RICH COZZOLA: Right. But I'm just asking if this point, has the train left the station about whether or not -- how does the parent know that the train has not left the station and that they can say there's other goals or I think the standards -- as it turned out, the standards were too low. I would like to have a discussion about whether there might be some other reason my child may need ESY?

>> KATHLEEN GIBBONS: The only way would be if -- for any time of revision to the IEP. So it would be just as -- asking for any kind of revision. It wouldn't be anything special because it's ESY.

>> RICH COZZOLA: But -- okay. No further questions.

>> KATHLEEN GIBBONS: Okay.

>> NANCY KRENT: All right.

>> MATT COHEN: So if I understand your testimony correctly the parent has to accept the ESY prior to June 1st, correct?

>> KATHLEEN GIBBONS: No. At the -- the way the IEP team -- or the way at the IEP meeting ESY just like transportation, we ask the parent at the time that we say your child is eligible, are you going to accept. And the parent at that point can say yeah, no, we're going to Disney World. We're not going to do ESY. And then in the spring they get letters to ask them again are you going to send your child to ESY?

>> MATT COHEN: And CPS issues a June report card; correct?

>> KATHLEEN GIBBONS: Yes.

>> MATT COHEN: And it's the June report card that indicates whether the student has met the goal at that time. Correct?

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: And so if the goal has been met and there's a need to update or increase the level of the goal, that couldn't even happen

until after the parent learns that because the June report card said the goal was met, the student is no longer eligible, right?

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: And then there would have to be a request, and then there'd have to be notice of a meeting and a meeting date set and all of that would have to occur in the two weeks of June before school was out, correct?

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: And so quite possibly that wouldn't be possible, right?

>> KATHLEEN GIBBONS: Correct.

>> MATT COHEN: And then just so I'm clear, you said that there was a problem in the 2018 guidelines. By the way, is the guideline, is that the rules that CPS staff must follow or is that just advisory? February 2018 guidelines, are those mandatory or they discretionary?

>> KATHLEEN GIBBONS: I would not call them discretionary.

>> MATT COHEN: You would not call them discretionary.

Does that mean they're mandatory?

>> KATHLEEN GIBBONS: They're best practices so they're supposed to be followed. So I guess yes, they're mandatory.

>> MATT COHEN: Okay. And you reviewed them, correct.

>> KATHLEEN GIBBONS: Yes. And I apologize and am embarrassed by the mistake. Cope Cohen there have been several other inconsistencies between the guidelines in SSM that have been identified by your testimony other or others in this hearing.

>> NICKI BAZER: I would object to that characterization.

>> MATT COHEN: I'll limit it to your -- your one error that you identify. How would a team know that what's in the guideline is not correct?

>> KATHLEEN GIBBONS: Just by the way the system works and the SSM on --

>> MATT COHEN: And has there been a SSM correction for this problem?

>> KATHLEEN GIBBONS: I would have to go back and look at what the last SSM announcement said. But the way that I -- if the IEP is run is those four questions that we went over, the -- the two nonmedical do not need the district rep.

>> MATT COHEN: Were you aware of the problem before Mr. Cozzola raised it?

>> KATHLEEN GIBBONS: That it had not been taken out. Guidelines, no.

>> MATT COHEN: To your knowledge it hasn't been corrected.

>> KATHLEEN GIBBONS: It has been corrected in the system. There's an error in the printed document.

>> MATT COHEN: I meant it hasn't been announced to the staff that that error exists.

>> KATHLEEN GIBBONS: I don't know what the last SSM transportation document says. Because I don't have it in front of me.

>> MATT COHEN: Nothing.

>> NANCY KRENT: Thank you. That was another three minutes.

It is 12:04. We're going to break until 1:00 p.m. for lunch. We will resume promptly at 1:00 p.m. At that time we will ask Ms. Lucas to take the stand.

We're adjourned.

(Break.)

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>> NANCY KRENT: We're resuming in three minutes.
(Witness sworn).
>> NANCY KRENT: We're going to resume now.
>> RICH COZZOLA: Good afternoon. First of all, Ms. Lucas, thanks for testifying here today. The -- as you probably saw a little bit this morning, we'll give you around five minutes to get into a statement. When -- after you make a statement, I'll ask you some questions. Mostly they're going to focus on if -- the process and maybe some things that relate to that in some way or other, but directly about the appeals process. And then when I'm through, Ms. Krent or Ms. Rupa Ramadurai has additional questions and then once we're through it will go to the advocates, and then to CPS lawyers to ask you questions.
>> ARCHIA LUCAS: Okay.
>> RICH COZZOLA: Okay? So you've been sworn; right?
>> ARCHIA LUCAS: Yes.
>> RICH COZZOLA: All right. So please introduce yourself and give us whatever information you'd like to.
>> ARCHIA LUCAS: Good afternoon. Mime name is Archia Lucas, and I am the resource program manager in the office of diverse learner supports and services. As a part of my job responsibilities I have coordinated the appeals process for Special Education funds during the 16-17, and 17-18 school years.

When a principal sought additional Special Education funds, during the last school year and this school year, he or she would submit a group reform and the request would be submitted to the network chief. If the network chief approved it, the appeal request would then come to me. I would make sure that the ODLSS team had the information needed to review the appeal. If the request was for a paraprofessional, I would look at the IEPs at the school, the paraprofessional minutes of

the student IEPs, the current staff levels, and schedule provided by the school. And have that information also available to the appeals committee.

Principals will also call me or email me if they have questions go the appeals process, or the status of an appeal. Principals will also reach out if they need staff during the pendency of an appeal. And I will coordinate a substitute. Usually requests for paraprofessional substitute, but there are times when I get requests for a teacher substitute.

I request and track the substitute and make sure that the school receives a sub as quickly as possible and for the duration of the pending appeal. At times the substitutes are for students already receiving Special Education services, but I also request substitutes for schools that have general education students who they are in the process of evaluating for Special Education services. Our committee looks at the appeals in detail and determines if a decisional funds are needed for Special Education staff.

During the review, a member of the committee may be in touch with the principal, the DR or the network chief to gather more information and to discuss the need for funds. Schools also have received additional funds outside of the appeals process through 10th day adjustments and through program support funds.

If an appeal is denied, we will communicate that to the principal by phone, and discuss the basis for the denial and offer assistance. For example, if upon our review we determine that a school has a correct level of staffing, but is not scheduling its paras and/or teachers correctly, we or the DR will assist with revising the schedule or staff to ensure that all minutes are being met. If an appeal is denied that does not meet the student's needs, that does not mean that the student's needs are not being met.

To the contrary, a denial is given only when the committee sees an avenue for all IEP minutes to be fulfilled even without the additional funds. Going forward we will be receiving requests for new positions directly to ODLSS, and we will continue to focus on ensuring the schools have the resources that they need to serve their Special Education students. Thank you.

>> RICH COZZOLA: Thank you very much.

Thank you very much for that comprehensive description.

Let me start off I guess with the very last thing that you said, which is going forward requests will go directly -- before we get there. Could you tell us a little bit about your background. Is it in education, is it in organizational management?

>> ARCHIA LUCAS: Well, actually my background is not in education. I started with CPS 17 years ago as a temporary employee. I was staffed as an administrative assistant and then moved up the ladder to become a position analyst. And then subsequently the resource program manager.

>> RICH COZZOLA: And how long have you been program resource manager?

>> ARCHIA LUCAS: Since July. Of this year. Yes.

>> RICH COZZOLA: Okay. Before that you were a position analyst.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: What does a position analyst do?

>> ARCHIA LUCAS: Position analysts do some of the same things. Basically taking a look at the schools to determine if they need

additional special ed resources, if they're allocating correctly, during the 10th day or any other budgetary process.

>> RICH COZZOLA: And as a -- in terms of your position as a position analyst, really just focussed on the Special Education side of it --

>> ARCHIA LUCAS: Not Gen Ed, no.

>> RICH COZZOLA: Not Gen Ed. Okay. And somehow -- you had said going forward requests are going to go directly to ODLSS. Or ODLSS. Is that a different process than what was being used in 16-17 and 17-18 school years?

>> ARCHIA LUCAS: Yes. So this year the position review will be strictly in ODLSS process. The previous year we included Gen Ed appeals as well as Special Education appeals. And the Gen Ed appeals were discussed with the committee and it was reviewed with other internal departments. ODLSS will have the primary on this particular process, which does not include Gen Ed appeals.

>> RICH COZZOLA: Is it still going to be an appeals process?

>> ARCHIA LUCAS: It's more of a position process with the change in the -- going to a positional location process for next school year.

>> RICH COZZOLA: Okay. So we'll come back to that, that piece.

So before the 16-17 school year were you doing the same kind of -- doing appeals before the 16-17 school year?

>> ARCHIA LUCAS: It wasn't considered appeals. The official budget appeals process didn't begin until 16-17. It was more of a -- it was a -- a positional location process.

>> RICH COZZOLA: And so just so that you know kind of what the change was in 16-17, what was it like in the years before that? Somebody at a school felt that they needed a parapro, or believed they needed a parapro for whatever reason, how would that work out?

>> ARCHIA LUCAS: They would make a request to our office, and then the position analyst, which would include more than myself, would review the school to determine if additional paraprofessionals were needed. And then it would be signed off on by the chief officer or designee for the position.

>> RICH COZZOLA: In that process, the request would go to you or to another position analyst, position analyst would make a recommendation.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: And then the chief of Special Education.

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: His or her designee would make --

>> ARCHIA LUCAS: The final.

>> RICH COZZOLA: The final decision. And when you would do that, when you would be making a recommendations, what would you look at?

>> ARCHIA LUCAS: For paraprofessionals, the same thing I would look at during the budget appeal, look at the student IEPs, paraprofessional minutes, determine if the student requires shared or dedicated supports for portions of the day or entire day. As well as any school schedule that the school has provided to us.

>> RICH COZZOLA: And those were things that you looked at 1716-17, and 17-18.

>> Archia Lucas correct.

>> RICH COZZOLA: In the summer of 2016, do you recall when in the summer of 16 the appeals process was developed, or when -- when in 2016 was the appeals process developed?

>> ARCHIA LUCAS: Off my knowledge, I believe it was in May, maybe

April.

>> RICH COZZOLA: Okay. And were you -- and did -- was part of that one of the things that the task force was that red headed by Denise real was the appeals process?

>> ARCHIA LUCAS: Correct. I believe the original draft was done by that task force.

>> RICH COZZOLA: Okay. And then when did you become involved directly in the -- either the designing or the reviewing of the process, or --

>> ARCHIA LUCAS: Shortly after. So it was in -- right before school was out. So like April or May.

>> RICH COZZOLA: Okay. And then in the -- around the same time that that was happening, the -- some of the protocols or guidelines were also being developed around the same time that was happening; right?

>> ARCHIA LUCAS: Which protocols?

>> RICH COZZOLA: So for example protocols on paraprofessionals, if you know. The if you don't know --

>> ARCHIA LUCAS: I'm not aware of those. I wasn't directly involved in that.

>> RICH COZZOLA: Okay. Were you aware as the -- by the summer of July of 2016 that there were going to be these new guidelines on paraprofessionals, a new guideline on paraprofessionals coming out?

>> ARCHIA LUCAS: I was aware that they were developing the para justification process.

>> RICH COZZOLA: And tell us what you knew as a summer of 2016 about the development of the para justification process.

>> ARCHIA LUCAS: The only thing I knew because I was not a part of those meetings was that it was in development. I didn't know the specifics on how it would work.

But I knew that they were putting together the guidelines for that.

>> RICH COZZOLA: The -- the funding for the 16-17 year was -- we've heard some testimony from Mr. Volan about how the process differed from year to year.

Were you aware in 2016 that the funding was going to be different than prior years?

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: What did you know about the funding for the 16 had been 17 year, when did you learn what the formula would be and how did you handle it?

>> ARCHIA LUCAS: It was prior to the release of budgets that they were going to go with the prior year spend. For -- in the funding model.

>> RICH COZZOLA: I'm sorry.

>> OLGA PRIBYL: Could you repeat your answer?

>> ARCHIA LUCAS: That they were going to do -- they were going to allocate funding to schools for special education based on the prior year spend.

>> RICH COZZOLA: Okay. And did you also at that point know about what I guess later the 4 percent that was a hold back or no?

>> ARCHIA LUCAS: No, I didn't know about that.

>> RICH COZZOLA: Okay. And do you know around when in the summer that was, or when in the year that was, if it was the summer?

>> ARCHIA LUCAS: I believe it was the summer, I believe budget was released in July of that year.

>> RICH COZZOLA: And did you also at that point know what a school was supposed to use those funds for in terms of paraprofessionals and Special Education teachers?

>> ARCHIA LUCAS: Yes. I knew that they were supposed to use the Special Education funds for their Special Education teachers and paraprofessionals.

>> RICH COZZOLA: Okay. And did you also know that some positions were allocated to the school for the cluster programs which the schools didn't have to really worry about funding those?

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: And 16-17 it was in the mild to moderate clusters, the teacher and a parapro, and the severe-profound clusters they got a teacher and two para pros for that.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Okay. So in that summer sounds like you were part of the team that was working on appeals, but there were other -- other people also involved in the appeals process.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Okay. You described some tasks that you undertook that were kind of more -- some were more administrative and some got into more detail. So the Google form came to you. I'm going to run through and make sure I got it. From different school, okay. And when in the summer did those -- did those start in the summer or not until the fall?

>> ARCHIA LUCAS: I believe they began August.

>> RICH COZZOLA: Okay. And so the Google form would be filled out, it would come to you.

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: And then you would make sure that the appeals team was aware that this had come in from the school?

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: And then you would look at the -- I'm trying to run through -- the student IEPs for the school where a paraprofessional was required, correct?

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: The parapros minutes that all those came out to, both dedicated and shared.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: And then the school schedules.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: And then would you just give that information to the team, or would you at that point make a judgment about I think there's another way this could be -- probably a better question is what would you do with that once you got that --

>> ARCHIA LUCAS: I would do an analysis on the information, the student data, as well as the schedules to make a recommendation to the committee for the school's overall paraprofessional need.

>> RICH COZZOLA: Okay. Who are the members of the committee in the 16-17 year, at least as that appeals process began in August?

>> ARCHIA LUCAS: We had chief of ODLSS at the time, Mr. Volan, Denise Little, other members of the CEO or COO staff, network chief support, I think the deputy chief, and chief, budget, member from teaching and learning, and the network chief in some of those cases.

>> RICH COZZOLA: So I'm going to run through a couple of those. If

the appeals that you were getting, those had already gone to the network chief already?

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Okay. And would -- and if the network chief said no, that appeal would not go to you; correct?

>> ARCHIA LUCAS: Correct. It didn't move forward.

>> RICH COZZOLA: Okay. And so the network chief then would forward it to you, who forward it to the team and you would give the team your analysis. In 16-17.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Would you also -- and who would make the decision about whether at that point whether or not -- or how -- whether an appeal was granted or not?

>> ARCHIA LUCAS: The entire committee.

>> RICH COZZOLA: And you were part -- were you a member of the committee?

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: I don't know if voting is the right word but --

>> ARCHIA LUCAS: Yes, I was a member.

>> RICH COZZOLA: Okay. In July of 2016 do you recall being at a meeting where there was a discussion about the overall changes that were coming about and whether or not parents might be upset about it or advocates groups might be upset about it?

>> ARCHIA LUCAS: What -- about changes? I don't know.

>> RICH COZZOLA: The changes that were happening in terms of the -- either the appeals system or the guidelines that were coming out?

>> ARCHIA LUCAS: No, I wasn't aware.

>> RICH COZZOLA: Okay.

2046. I'm going to show you CPS 2046 and just ask you to look at it. That page and the next number. So that -- that document appears to -- strike that.

Having looked at that, do you know if you were at a meeting on July 20th, 2016, with those other people?

>> ARCHIA LUCAS: Possibly, yes. Because I believe it was -- it was a recurring meeting.

>> RICH COZZOLA: Okay. And your part in the meeting was really just a budget appeals process was the part that you were focussed on, is that correct?

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Okay. And just before that was -- does it appear -- and if -- from your review of the document that there was some question raised by another person at the meeting about whether there should be an outreach to advocates about getting feedback about certain of the things that were going on, about guidance documents?

>> ARCHIA LUCAS: According to the agenda, yes. But I can't recall.

>> RICH COZZOLA: Okay. Thank you.

In 2016 the...would the -- how often did the committee meet in 2016-17?

>> ARCHIA LUCAS: Twice a week.

>> RICH COZZOLA: Twice a week. And would the decisions be made at the meeting about --

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: And then somebody assigned to -- how would the school then know what the result was?

>> ARCHIA LUCAS: The school was then communicated through I believe the budget office.

>> RICH COZZOLA: Okay.

>> ARCHIA LUCAS: Given the decision.

>> RICH COZZOLA: Okay. So it wasn't somebody necessarily on the committee, but would go through the budget office --

>> ARCHIA LUCAS: No, it was someone on the committee.

>> RICH COZZOLA: Who was connected to the budget office.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: All right. At the end of 2016-17, as you were going into the next year, was the process changed? In any way?

>> ARCHIA LUCAS: No.

>> RICH COZZOLA: Okay. The -- the schools had additional position -- paraprofessional positions for the clusters; is that right?

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Okay. Were there -- within the committee that you were aware of, were there...any concerns about the number of schools that had been turned down in the 2016-17 school year expense?

>> ARCHIA LUCAS: Not that I'm aware.

>> RICH COZZOLA: Okay. Going back -- I'm sorry, back to the 2016-17, how -- you had this role that also would help fill substitutes.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Okay. How would those requests come to you?

>> ARCHIA LUCAS: They would come to me either via phone call or via email. Requesting a sub to support a student that's not covered with a para.

>> RICH COZZOLA: Okay. And was that -- was that all -- did that always have to be part of an appeals process or was that just somebody might be on sick leave for a month and they needed a sub?

>> ARCHIA LUCAS: The appeals process wasn't considered when schools request those paraprofessionals for subs. That was done in lieu of an appeal. The as long as -- in those instances the school did not have a position to cover. If a school had a position where there was someone on leave or an absence, they would go through their regular substitute protocol.

>> RICH COZZOLA: Okay. So if you already had the position you go through the rec protocol. At what doesn't come to you then.

>> ARCHIA LUCAS: No.

>> RICH COZZOLA: What would come to you if they don't have a position and therefore -- or the appeal -- well, they don't have a position and they need somebody to cover a student's IEP.

>> ARCHIA LUCAS: Correct.

And how is it communicated if you know to the schools that those would come to you?

>> ARCHIA LUCAS: Usually the district reps.

>> RICH COZZOLA: Okay. Was it in any kind of a -- a written policy or a -- you know, memo that went out that said if you -- if you're in the appeals process, and position that you're seeking to fill, seeking to get, you need a paraprofessional sub, then you should contact -- contact Ms. Lucas, a general memo, if you know?

>> ARCHIA LUCAS: I don't recall a written memo.

>> RICH COZZOLA: Okay. When -- so -- and when a school would -- when the network chief would send over the appeal to you, was there any

kind of an automatic -- was there any kind of communication if the network chief didn't bring it up, oh, the school, if they're short, we can -- they could ask for a temporary parapro through my office?

Was that part of the process?

As -- as an established procedure.

>> ARCHIA LUCAS: Can you rephrase the question?

>> RICH COZZOLA: I said that badly. So if you were -- so in the appeal process, you -- you had this ability to fill -- an ability to provide temporary substitute if the school was seeking to have a position filled.

>> ARCHIA LUCAS: (Nodding).

>> RICH COZZOLA: Was either the network chief or the principal informed as a matter of course, kind of regularly, oh, well this appeal is pending, you also can ask for a temporary substitute?

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: Okay. So -- and you would do that as a matter of course whenever an appeal came through --

>> ARCHIA LUCAS: The majority of the sub requests, just to clarify, usually came prior to an appeal.

>> RICH COZZOLA: Oh. So it was then one of the things you would also then do is -- how would you evaluate whether they needed a sub?

>> ARCHIA LUCAS: The same way. In regards to -- so it's not a denial or approval for the sub if the school requests the sub. We do provide that. We do put the request in on their behalf to substitute.

>> RICH COZZOLA: Okay. So there might be situations where you provide a sub and then when you looked at the more detail, the analysis decided the school was not going to be able to open a new position.

>> ARCHIA LUCAS: That being the case.

>> RICH COZZOLA: Okay.

>> OLGA PRIBYL: I'm sorry, I didn't hear you.

>> ARCHIA LUCAS: I said that might be the case.

>> RICH COZZOLA: Do you know if there were cases when that did happen, where the school got the sub but then did not get -- later on get the position filled? In 16-17.

>> ARCHIA LUCAS: Off the top of my head, I can't recollect. But there may have been.

>> RICH COZZOLA: Okay. In 17-18, you followed the same procedures.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Was it still budget -- the budget people only who would inform the school, or did members of the team then also provide the feedback to the schools?

>> ARCHIA LUCAS: For the Gen Ed appeals it was the budget team.

>> RICH COZZOLA: Okay.

>> ARCHIA LUCAS: For Special Education it was myself or Dr. Keenan.

>> RICH COZZOLA: Yourself or Dr. Keenan?

>> ARCHIA LUCAS: Uh-huh.

>> RICH COZZOLA: Okay. Could you just explain how a school would have a Gen Ed appeal that would come through, just so we can understand that?

>> ARCHIA LUCAS: They would go through the exact same process but just ask for Gen Ed supports or programmatic supports where they're asking for Gen Ed funding, whether for a Gen Ed teacher or for additional materials or instruction.

>> RICH COZZOLA: And the reason it was coming to you in terms of the

special ed, you are -- it was it was special because they were using this special ed funding?

>> ARCHIA LUCAS: No. All appeals come to me.

>> RICH COZZOLA: See even if I was a school and I said we're short one Gen Ed teacher, we're fine on Special Education, I just need another Gen Ed teacher, it would still come to you?

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: Did you get appeals on the Gen Ed side if either year where the school said the reason we're making this Gen Ed appeal is because we're supposed to fill special ed positions first and that leaves me short in my school for Gen Ed position?

>> ARCHIA LUCAS: It could have been possible. Without the actual, I can't say for sure.

>> RICH COZZOLA: Okay. And then in each year the team took minutes of the decisions.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Are you familiar with the phrase "action plan? " It is it applies to appeals.

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: Could you tell us what an action plan was in that context?

>> ARCHIA LUCAS: My understanding of it is that the -- the district would be working with the school to support the IEP process. I can't say exactly what the actions would be, because it differs per school.

>> RICH COZZOLA: Okay. And would -- whether a school needed an action plan or not be part of the discussion of the appeals committee?

>> ARCHIA LUCAS: It would be -- yes.

>> RICH COZZOLA: Not in every case.

>> ARCHIA LUCAS: Not in every case, no.

>> RICH COZZOLA: Okay. On the -- the desk in front of you, in a paper clip, is a series of documents. So looking at the top one, could you -- Page No. 3107.

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: Stapled -- that might be stapled together.

Do you know what that series of documents is, runs from 3107 to 3113.

>> ARCHIA LUCAS: These are documents provided to the committee to help them in their decision-making.

>> RICH COZZOLA: Okay. And is some of this the work that you provided to the committee, or this is from the schools or --

>> ARCHIA LUCAS: This is from -- this is information that is provided that is completed by ODLSS and budget.

>> RICH COZZOLA: Okay. So on the -- and this one relates to Blain school in -- end of 2017-18 year, is that right?

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: If you look on the -- because I'm going to ask you for the next few minutes about action plans and different kinds of action plans. So the one relating to Blain, if you go to Page 3113, in the decision box.

>> ARCHIA LUCAS: Okay.

>> RICH COZZOLA: The last sentence says recommendation is to approve the 9th para for student supports to place school on an action plan to possibly fade existing supports of other students with dedicated aides.

Do you know what -- in the context of that school what that meant?

>> ARCHIA LUCAS: Uhm...

>> RICH COZZOLA: I realize you're not a Special Education teacher.

>> ARCHIA LUCAS: I don't know what the action plan would be.

>> RICH COZZOLA: You wouldn't know what it --

>> ARCHIA LUCAS: No.

>> NANCY KRENT: Just to clarify for people who are in the audience and looking for documents or people who are listening to the live stream, the parties and the inquiry team are working with a group of documents now that are different from the numbering that's posted because the numbering that was posted is more heavily redacted because the information that the parties in the team are working with contains information that may be student -- that may have student identifiable information. So we apologize, but for this part of the discussion as we refer to page numbers, you may not be able -- you will have difficulty following along. These will not be the page numbers that you will see.

>> RICH COZZOLA: If you would go to the next one. Chicago academy ES.

>> ARCHIA LUCAS: Okay.

>> RICH COZZOLA: And go to Page 3170. That begins on 3167.

And in the box it says summary of decision, the school was approved for \$150,000. And then it says base on DR's review, the school require one additional special ed teacher. Due to high -- and are being placed on an action plan for IEP development. Do you know what that means?

>> ARCHIA LUCAS: Not in -- not specifically to the school, no.

>> RICH COZZOLA: Okay. Do you know what the phrase "action plan for IEP development" means?

>> ARCHIA LUCAS: All I can say is I believe it's just giving support to the school. IEP development.

>> RICH COZZOLA: Going to the next document, which begins on 3225. This relates to Hitch elementary school. And 3328 and the decision, the decision is denied. But then above that in the network chief's recommendation it says an action plan needs to be put in place with the DR to address some of the IEP development needs. I realize that was not the committee's decision, but do you know what that phrase means there?

Address some of the IEP development needs.

>> ARCHIA LUCAS: No, because I believe it was the chief's decision.

>> RICH COZZOLA: Okay. Now I'm going to the next document, which is Langston Hughes elementary school, starting 3412. On Page 3413 at the middle of the page of the decision, the -- they're approved for one Special Education teacher but they're denied two CEKAs, they're paraprofessional; is that right?

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: After a little farther down on Line 3, the box, some of the students that require a dedicated support during the projections have shared minutes, the current 15 paralegal gels -- paraprof are sufficient; correct?

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Above that it says after saying who it was reviewed by it says it was recommended they have six teachers but work on an action plan to reduce the high number in minutes.

Do you know what the high number of minutes refer to at that school was?

>> ARCHIA LUCAS: Maybe the instructional minutes? I'm not sure.

>> RICH COZZOLA: Instructional minutes for special ed students?
>> ARCHIA LUCAS: Possibly.
>> RICH COZZOLA: But you don't -- in terms of that --
>> ARCHIA LUCAS: I don't know for sure.
>> RICH COZZOLA: Okay. Would that have been reflected in any other document, what that phrase meant, like for that school, for their -- in order for an action plan to be in place, was there some other document other than this that would kind of outline that -- was --
>> ARCHIA LUCAS: Outside the appeals process, I'm not sure.
>> RICH COZZOLA: Okay. The next school is Mc Nair, begins on 3459. On 3463, at the very last bullet point on there in the paraprofessional considerations it says it is recommended that tie additional paraprofessionals be provided, but they should be on an action plan for para support due to the large number of students that require dedicated on both the cluster and the noncluster sides. Do you know what that meant in the sense of -- in the case of Mc Nair?
>> ARCHIA LUCAS: In this case it -- it may be that they just need to be supported for paraprofessional support. For IEP development. This is a guess.
>> RICH COZZOLA: Just a guess.
And the last one is North Side prep, which begins at 3501. And on Page 3502, the action plan there is described as -- and so the north side prep had asked for one special ed teacher; is that right?
>> ARCHIA LUCAS: Yes.
>> RICH COZZOLA: That's in the description, what they're requesting. And it says we do know that the school -- the network's chief's recommendation was we know the school is in need of an action plan moving forward and part of the plan is to have somebody with a DL background, diverse learners, correct is this.
>> ARCHIA LUCAS: Yes.
>> RICH COZZOLA: As an assistant principal to lead this shift. Do you know what that meant in the case of why the school was on action plan that involved getting an assistant principal that experience?
>> ARCHIA LUCAS: Again, I know this was the network chief's recommendation.
>> RICH COZZOLA: Okay. Thank you very much.
>> ARCHIA LUCAS: Thank you.
>> NANCY KRENT: Do the advocates have questions for this witness?
>> OLGA PRIBYL: Yeah.
>> NANCY KRENT: Just so you're aware, you have nine minutes left.
>> OLGA PRIBYL: Thank you. Okay you indicated that you coordinated the substitute. What was the budget for the substitutes?
>> ARCHIA LUCAS: I didn't keep the budget. That was actually handled by the talent office in sub center.
>> OLGA PRIBYL: And how quickly were you able to get a substitute into the -- --
>> ARCHIA LUCAS: Usually about three or four days.
>> OLGA PRIBYL: And what's the long ject time it took to you get a substitute for someone.
>> ARCHIA LUCAS: I don't have that information in front of me. I can't guess. I think that might have been the max average.
>> OLGA PRIBYL: And for what staff -- do you have that written documentation for --

>> ARCHIA LUCAS: The three or four days?
>> OLGA PRIBYL: Yeah.
>> ARCHIA LUCAS: I don't have it with me. I believe it's required.
I can get that.
>> OLGA PRIBYL: Were you able to fill all the substitute requests?
>> ARCHIA LUCAS: For which year?
>> OLGA PRIBYL: For 16-17.
>> ARCHIA LUCAS: No. I think we only had about maybe two to three
that we weren't able to fill.
>> OLGA PRIBYL: Do you know the total number of substitute requests
that were --
>> ARCHIA LUCAS: Around 100.
>> OLGA PRIBYL: A hundred? And how where for 2017-2018?
>> ARCHIA LUCAS: Probably about 185 or so.
>> OLGA PRIBYL: 185 substitutes that you --
>> ARCHIA LUCAS: Substitute requests.
>> OLGA PRIBYL: And how many were you able to fill?
>> ARCHIA LUCAS: About 175. 165.
>> OLGA PRIBYL: Do you know why it went up?
>> ARCHIA LUCAS: Because we were also providing support to students
that were going into the cluster from out of compliance IEPs. Our
school team alerts me of that as well when they're assigning a student
to a cluster that may have an out of compliance IEP and a sub may be
needed to help determine services.
>> OLGA PRIBYL: And do you know the number of substitute -- I'm
sorry, do you know the number of paraprofessionals that were requested
through the appeals process in 2016-17?
>> ARCHIA LUCAS: I don't have that information in front of me but I
can find out.
>> OLGA PRIBYL: Was it well over the number of substitutes that you
actually provided during that year?
>> ARCHIA LUCAS: I'm not sure. I'm sorry.
>> OLGA PRIBYL: If I told you there were 188 appeals in 2016-2017,
would that number refresh your recollection?
>> ARCHIA LUCAS: Well, there were 100 substitute requests, and 188
appeals. I can't tell you how many are paraprofessionals. Right now I
don't have that information with me.
>> OLGA PRIBYL: And are you aware that a number of the appeal
requests had multiple requests for paraprofessionals?
>> ARCHIA LUCAS: Yes. Possibly.
>> OLGA PRIBYL: Okay. You indicated that you were the person who
was in charge of the review process, is that correct?
>> ARCHIA LUCAS: For paraprofessionals.
>> OLGA PRIBYL: For paraprofessionals. And what kind of training
did you get?
>> ARCHIA LUCAS: I was trained for the -- well, I was doing the
position analyst process for nine years prior to doing the -- as the --
before the resource manager. Program manager. So on-the-job training,
but I also received training from a previous analyst that I had been
doing in ten plus years.
>> OLGA PRIBYL: Do you know when the process would be finalized for
the 18-19 review process?
>> ARCHIA LUCAS: I believe maybe within the next two weeks.
>> OLGA PRIBYL: And have you been a part of the process in

developing the appeal?

>> ARCHIA LUCAS: Yes.

>> OLGA PRIBYL: And do you know how it will be distributed or information given to people, what's the plan for that?

>> ARCHIA LUCAS: Look I believe it's going to be distributed with the budgets for the next school year.

>> OLGA PRIBYL: When you -- through the appeal process, when you were given the data or looking at the data, how long did it take you to go through all the information, you said you looked at student IEPs, paraprofessional limits, whether they were dedicated or shared and the school schedule. How long will it take you to complete the analysis?

>> ARCHIA LUCAS: It depends on the school. And the number of students that require para support. School with cluster programs, a lot of cluster programs and a lot of students with para support outside the cluster can take longer than review for a school that only has four or five students outside of -- with no cluster program, para programs.

>> OLGA PRIBYL: But what was the range that it would take you to develop that information?

>> ARCHIA LUCAS: Maybe about 25 minutes.

>> OLGA PRIBYL: 25 minutes to look at all the students' schedule, the IEP minutes, whether they were shared or dedicated aides, and all the student IEPs?

>> ARCHIA LUCAS: Correct. The information is readily available in SSM.

>> OLGA PRIBYL: And you indicated that you would make a recommendation to the review team; is that correct?

>> ARCHIA LUCAS: Correct.

>> OLGA PRIBYL: And how often was your recommendation followed?

>> ARCHIA LUCAS: Majority of time.

>> OLGA PRIBYL: So would that be 90 percent of the time or 51 percent of the time?

>> ARCHIA LUCAS: Above 50 percent. I couldn't give you an accurate number. Above 50 percent.

>> OLGA PRIBYL: So can you give me examples of when they wouldn't approve your analysis?

>> ARCHIA LUCAS: If they know some information that I'm not aware of, that may cause to reevaluate.

>> OLGA PRIBYL: And what type of information was that?

>> ARCHIA LUCAS: I don't know. Maybe the network chief can say there's something extraordinary going on at this school, that may warrant another review.

>> OLGA PRIBYL: And you can't recall a specific example?

>> ARCHIA LUCAS: Not off the top of my head, no.

>> OLGA PRIBYL: And when the appeal went to committee, was there an actual vote?

>> ARCHIA LUCAS: There's no vote. It was just a consensus of the committee. Everyone had a voice.

>> OLGA PRIBYL: And so did -- explain the process to me if you can quickly.

>> ARCHIA LUCAS: At the appeals committee?

>> OLGA PRIBYL: Yes.

>> ARCHIA LUCAS: So the appeals committee would review all the recommendations, provide input on their own from each unit, and then the committee would come to a consensus.

>> OLGA PRIBYL: And what happened when the committee didn't come to a consensus, was there ever a situation when that happened?

>> ARCHIA LUCAS: Yes. There may be some more information that's needed for the committee to make a final decision.

>> OLGA PRIBYL: And then...and what did -- when schools were denied the appeal, what did ODLSS do to ensure that schools allocated their existing funds for the students with Special Education.

>> ARCHIA LUCAS: The district reps usually work with the schools to make sure that the students were being serviced. Just to go through. There is one instance where we actually sat with budget and went through a school's budget to determine if they could support the students. If -- if the -- if there's no means to support the students then we would reconsider the appeal. And then grant it if necessary.

>> OLGA PRIBYL: And were the appeals ever reconsidered?

>> ARCHIA LUCAS: Yes.

>> OLGA PRIBYL: How often?

>> ARCHIA LUCAS: In many circumstances, yeah. The -- maybe about 20 percent of the time.

>> OLGA PRIBYL: And then how did you make certain that students were getting the services that were required on their IEPs, if an appeal was denied?

>> ARCHIA LUCAS: Again, they would be referred to -- the district rep would be referred to the school to provide the supports. If at that time the support is still needed, then we would reconsider. And then provide the support if necessary.

>> NANCY KRENT: I'm going to stop you there Ms. Pribyl. You're out of time. Ms. Bazer?

>> NICKI BAZER: A few follow-up. Once a substitute was requested, did you then track it and keep track of how long the substitute was in the school building?

>> MS. LUCAS: Like yes. And in a lot of instances, so the school is allowed to keep the substitute initially for four weeks. And then close to the time of the end of the assignment the school can reach out and ask for an extension. A lot of times we reach out to schools to see if they still need the extension, especially if they're developing a new IEP. The and then we will extend it. And also we will extend it if the school is going to be appeals the process. To allow them to complete the process with the services intact.

>> NICKI BAZER: Were there any circumstances where you would keep a sub in a school for an entire school year?

>> ARCHIA LUCAS: Yes. If there's an 8th grader that they're considering for support and they don't have the coverage, we anticipate the student will graduate at the end of the year. We'll work with that -- we will allow the sub to stay for the duration of the school year so that the school doesn't have to appeal for a position they may not be able to fill for less than a year.

>> NICKI BAZER: Okay. So you're sort of -- you're in touch with the schools throughout this substitute process.

>> ARCHIA LUCAS: Correct.

>> NICKI BAZER: Turning to the appeals, you testified that you are one of the people this year that reached out to principals to let them know about decisions.

>> ARCHIA LUCAS: Yes.

>> NICKI BAZER: How was that done? By phone, by email? Loose.

>> ARCHIA LUCAS: It was by phone.

>> NICKI BAZER: So you would talk with the principal about the decision?

>> ARCHIA LUCAS: Correct.

>> NICKI BAZER: And were there times that through that conversation you learned information that you then brought back to the committee?

>> ARCHIA LUCAS: Yes.

>> NICKI BAZER: My mic just went --

>> NANCY KRENT: Hold on one second. We're going to get it checked.

>> NICKI BAZER: So what piece of information you might learn that would -- would cause you to bring something back to the committee?

>> ARCHIA LUCAS: Perhaps maybe it was determined that they could use existing funds in their budget to provide the required resource. And the school can verify that they don't have that resource any longer. And so then you would be brought back to the committee for the funding.

>> NICKI BAZER: Okay. So part of this process, this appeal process is working with the principal, discussing with them the issues that they're -- they're facing and the status of the appeal.

>> ARCHIA LUCAS: Correct.

>> NICKI BAZER: I don't have any further questions. Thanks.

>> NANCY KRENT: Thank you. I believe we have some follow-up.

>> RICH COZZOLA: Okay. As part of your communicating back to the schools, would you ever have to communicate to them here's what the action plan is?

Was that part of your job when you were communicating with them?

>> ARCHIA LUCAS: No.

>> RICH COZZOLA: Just so that we can maybe have a better understanding of how this work, I don't know if you would -- if you could look at the -- the sheets regarding Mc Nair. Okay.

And we know from Page 3460 that they asked for four paraprofessionals, and that they ended up -- that's on Page 3460, and we know from Page -- I don't know if this is a final decision, but that at one point it was recommended that two additional paras be provided. Do you know if that was the committee.

Committee's representation recommendation? I'm just trying to figure this out. If it wasn't a committee's recommendation, we'll use a different example.

>> ARCHIA LUCAS: This is my recommendation.

>> RICH COZZOLA: Okay. All right. So look -- does -- are you able to tell from the front page how you got from their request for four to your recommendation for two?

>> ARCHIA LUCAS: By the review of the -- the students with disability, their IEPs, their current staffing.

Again, just the regular paraprofessional analysis.

>> RICH COZZOLA: So on -- from the -- do the charts on here give you all the information to do that?

>> ARCHIA LUCAS: Yes. The so basically --

>> RICH COZZOLA: So just take us through it. Take us through how you would have done this one.

>> ARCHIA LUCAS: Well, this is a chart of their minutes, their total minutes. In regards to the paraprofessional support, it tells me how many students -- if you go down to the paraprofessional support noncluster, it tells me how many students in April they had, how many they have currently. It also tells me that their minutes have gone up.

It also tells me the number of students that were there. And also the number of students currently.

But that's just a generalization. I have to get to the meat of the -- the school data by looking at the IEPs. Because it doesn't tell me if a student requires dedicated or shared, and where those supports are required.

>> RICH COZZOLA: So the six in the -- in the paraprofessional support noncluster, it says six, you don't know how many -- this chart you don't know how many are dedicated, how many are shared, and then how much of the day are dedicated might be needed.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: And then in the box below that, that again tells you the number of students with paraprofessional supports in the cluster now, right?

>> ARCHIA LUCAS: Yes.

>> RICH COZZOLA: And are those -- and again, from this number do you know whether those are dedicated or shared?

>> ARCHIA LUCAS: No.

>> RICH COZZOLA: And do you know how much of the date day?

>> ARCHIA LUCAS: No.

>> RICH COZZOLA: So that's why you have to look in the IEPs.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: That number in the right hand column under current, is the number of students, not the number of paraprofessionals.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Okay. So you'd actually need to see the IEPs themselves in order to know how...why you thought two was appropriate and the school thought four was appropriate.

>> ARCHIA LUCAS: Correct.

>> RICH COZZOLA: Okay. Nothing else.

>> NANCY KRENT: Thank you, Ms. Lucas.

I would like to ask Ms. Wakelin to come forward.

I don't think you're going to be -- you can put that out of your way.

(Witness sworn).

>> RUPA RAMADURAI: Ms. Wakelin, thank you for coming in today and taking the time out of your week to come and speak to us. We read and reviewed your affidavit, so we wanted to give you the opportunity to just take a few minutes and share with us some high level concerns that you seen, witnessed, experienced on behalf of your clients. And anything else that you'd like to share with us.

And then Ms. Krent, Mr. Cozzola, and I will follow up with some questions. The questions may not cover every single aspect of your affidavit but that's not to say we haven't noted it and are aware of it. It's just that we're going to be following up with specific questions pertaining to areas that we're trying to seek a little more information on. And we may be also asking questions beyond the scope of your affidavit just for you to speak to the experiences of your clients. As it relates to the areas that the inquiry covers.

>> MARGARET WAKELIN: Okay.

>> NANCY KRENT: Please make sure you lean forward and speak into the microphone.

>> MARGARET WAKELIN: I will. Hopefully. How's that? Maybe I'll move it here.

Is that better?

>> NANCY KRENT: Yes. The.

>> MARGARET WAKELIN: Okay. Can I begin?

So thank you first to the inquiry team and to ISBE for the work that you're doing to explore these issues. I want to talk in my time now about impact. As a supervising attorney at Equip for Equality special education clinic, I've witnessed that CPS's policies and procedures have had a far-reaching and negative impact on kid kids with disabilities. I've attended IEP meetings on behalf of CPS students and I supervise our clinics overall assistance of more than 500 CPS students each year.

CPS has created a process that holy excludes parents from decision-making about vital services for their children. And students are harmed by that.

First I want to talk to you about how the blocks in the SSM system have led to a denial of critical services for kids. Jonathan is a student with an extensive history of mental illness including bipolar disorder and PTSD. His mother submitted an affidavit for this inquiry and asked me to tell you his story. His school staff deeply believes that his needs exceeded the resources in their school and they documented their concern.

In the spring of 2017 his mother agreed that he needed a separate day school, when the IEP team met. However, outside of the meeting the district representative would not approve his transfer. For the remainder of the school year Jonathan's behavior deteriorated and he stopped attending school with regularity. Because when he would attend, he'd be written up, sent home or referred to crisis management teams. Jonathan was harmed by CPS's failure to allow the IEP team to decide his placement.

I have more cases that I can speak to where a student was psychiatrically hospitalized in crisis, sometimes multiple times and often for incidents that occurred in school, and district representatives denied immediate therapeutic day placement due to a lack of collected data. Despite previous testimony, this is not a rare instance. For students who require this hire level of services.

And schools do not know that this is just best practice that they need to collect this data. They don't know that there's any exception for crisis. District representatives don't know there's an exception.

However, the blocks prevent the IEP team from properly determining a student's placement in services. Next I want to talk to you about how CPS's policy requiring data collection have led to a denial of services for kids.

I want to make clear that I believe -- and everyone at Equip for Equality believes that IEP team decisions should be data driven. However, the problem is that too many schools are not collecting this kind of data. Whether it's due to expectations, training or noncompliance. And kids should not be punished with not getting necessary services because the adults haven't been collecting the right kind of data.

This is exactly what we witness due to the new policies. Michael was hurt by the new policies. His mother submitted an affidavit and asked me to tell his story. She asked for an evaluation many times, when he was in 5th grade. And CPS finally agreed at the end of June, 2016.

The agreement was to meet in September to determine the assessment so that the school could complete the evaluation rather than a foreign

summer assessment team. When the team came back, the evaluation was denied. This was in September of 2016, which should be an important date to this inquiry panel. They denied the evaluation due to the lack of MTSS data, which was a new requirement. The school hadn't been collecting data.

And then despite Michael's need for an evaluation and their agreement in June to conduct the evaluation, they didn't start collecting the data until December of 2016.

When he was finally evaluated in May, the evaluation revealed profound deficits. Michael lost nearly an entire year of receiving individualized special education services because of CPS's policies.

Gigi was also hurt. He's a kindergartner now this year whose mother believed that he needed an aide because he was coming home bruised, wandering halls, throwing his certificates and throwing chairs. When the IEP team met in September of this school year, they had some data but there was no principal or District Representative at the meeting. So they couldn't add the aide.

I wrote in my affidavit about HP. And I ask you to review the attached transcripts from the district representative. For information about what they perceive to be their responsibility because that's counter to some of the testimony that we heard today.

Despite having a shared aide during the school year, his school staff did not collect data on his need for an aide. This was a mistake. Which the district representative recognized.

When we met in June of 2017 for his IEP meeting, his general education teacher said that he needed one-on-one aide. His parents agreed. We pulled out data about his need for one-on-one support in the evaluations that had been conducted in his IEPs, but the district representative would not allow it because the specific data that was required by the policy had not been collected. There was no way around this policy despite his recognized need, and his previous eligibility for this service.

Fast forward to this school year, and H. P. has been without an aide, the school hasn't collected the data, and CPS changed his placement incorrectly to a therapeutic day school.

Next I want to talk to you about how CPS's new system for budgeting has harmed students. I don't know budgeting, because I'm not in the school. But I do know if for one of my client's RT. Because of his behavior difficulty, his principal required his parent to accompany him in school from the beginning of the 16-17 school year. This is not something that is permissible, so EFE got involved and the team started collecting data for his need to one-on-one paraprofessional.

Once the paraprofessional was added to his IEP in January of 2017, the school then faced the hurdle required to fund the paraprofessional. During this time our team was supported with rotating adults in the building who lacked training. He went the whole school year without a consistent paraprofessional. The budgetary documentation states that the school's appeal which was filed immediately after our IEP meeting was resolved at the network level.

Which I now understand means it was denied. Without a consistent aide he continued to struggle. Until this hearing I had hadn't heard of a student receiving a substitute aide from CPS. Instead students like R. T. receive rotating adults or no aide. If a substitute exists, our clients in the schools where we work don't know about it. Finally,

I want to talk to you about how CPS's transportation practices have denied students this critical service.

Leading into the start of the 16-17 school year, CPS started removing transportation from students in neighborhood schools, schools of choice, charters, contracts. These students had previously received it without question for years due to their disability-related need. And EFE was inundated with requests for representation.

I have many stories about the impact of transportation being removed, but I want to emphasize right now how this process excludes parents. One parent who I worked with sought to get the most updated policies. So she could discuss her son's eligibility with his multiple doctors and special requirements prior to her meetings in the spring of 2017. She wanted to provide the data that was needed.

The case manager told her that she could not provide the manual, the procedures to her. She then called down to ODLSS and they told her that the procedures were only for school staff. She could not get the information to prepare for the meeting.

These stories that I've told you are really just a fraction of the students who have been impacted and these problems persist this year. I can speak further if you have questions. I believe the IDEA works when it's procedures are upheld. Through the new procedures and policies, CPS has designed a system that disempowers IEP teams and excludes parents. As a result the goals of the IDEA are wholly distorted. Thank you.

>> RUPA RAMADURAI: Thank you so much for sharing that with us, Ms. Wakelin. I want to start with kind of going through your affidavit a little bit with respect to two issues, transportation and paraprofessionals. And then also a few questions on the transcript from the due process that you represented a student. With respect to transportation one of the main issues in your affidavit that you discuss is the removal of transportation for a student who you represented.

Can you tell me a little bit about this student's particular needs?

>> MARGARET WAKELIN: Yes, I can tell you quite a bit. He's a student with autism. And he has several concerns, but he previously receives transportation and it was documented in his IEP each year since 2012. When he -- when he was first placed in this school. He received it because of the safety concerns.

So his inability to navigate the streets, but also -- and this is something that his therapist documented in a letter to the IEP team shortly after they removed transportation -- also he has difficulty, as many students with autism do, with social interaction and misinterpreting cues, or not understanding cues, and he has difficulty when he encounters people he doesn't know on the street and his therapist was concerned about incidents that could occur that could put him at risk, either with someone attacking him or him also having some sort of difficulty with another student.

So that -- those are some of the concerns related to transportation. Ultimately -- and I wrote this in my affidavit -- a year after they removed transportation and our -- the parent had been providing transportation himself, so he's very hard-working father, he worked the third shift at a tortilla factory. He'd come home and he'd take his son to school and then pick him up.

And -- but at the -- in this most recent IEP meeting in June of 2017,

they found him eligible for transportation due to concerns of bullying. That he was experiencing.

>> RUPA RAMADURAI: And when had he -- when had the student been diagnosed with autism and sensory issues?

>> MARGARET WAKELIN: I believe he was diagnosed in 2012.

>> RUPA RAMADURAI: And to your understanding do you know why transportation had been removed for the 16-17 school year?

>> MARGARET WAKELIN: Well, what was told to the parent at the IEP meeting was that it was --

>> NICKI BAZER: I'm sorry, was Ms. Wakelin at that IEP meeting? I'm wondering about hearsay and whether we get things third hand.

>> RUPA RAMADURAI: Ms. Wakelin, maybe --

>> MARGARET WAKELIN: I wasn't at that meeting, it was before we were representing, there was nothing documented in the IEP about why it's removed.

>> RUPA RAMADURAI: Okay. I want to talk a little bit about paraprofessional supports for that same student. At the June 2017 IEP meeting that you did attend -- correct?

>> MARGARET WAKELIN: Yes.

>> RUPA RAMADURAI: Was paraprofessional support discussed and if so what happened at that meeting?

>> MARGARET WAKELIN: Yes. So that was the story that I told in the intro. So we came to the discussion of paraprofessional support, and his general education teacher said that he needed not just shared support, which is what he had in the past, but he needed dedicated one-on-one support. And there was -- we had just been going through a reevaluation process at the same time. So we were -- there was a lot of evaluation data saying that he required one-on-one support in order to make progress with his instruction.

And so -- but no one in the school had collected the five points of data that had been required under the paraprofessional justification form. And that was just -- they hadn't I guess thought ahead and thought that they needed to do that. I'm not sure what information had been communicated to them. But when we were at the meeting, we weren't able to have that discussion beyond what I've just said in terms of saying -- I mean, we had a discussion, and there was a -- a general consensus that that was something that he needed but that we didn't have the data that CPS required in order to add that.

>> RUPA RAMADURAI: Was there anything in the 2016 IEP that delineated the reason for why the child did not have para support for the 16-17 school year?

>> MARGARET WAKELIN: No. No. It just said that he wasn't eligible for transportation.

>> RUPA RAMADURAI: So to clarify the student did not have paraprofessional support for the 16-17 school year?

>> MARGARET WAKELIN: I'm sorry. I'm thinking about transportation. No, he did have -- he did have support in the -- yes. There was a lot of data. So if you seen -- I know you have because I know you have the document. But there's quite a lot of information that's required in the IEP to justify the need for it. And there was in there delineated the areas that he needed the shared support.

And I'll just say in terms of the discussion about the paraprofessional at the June meeting that I was at, although we had a robust discussion, it wasn't reported anywhere, it wasn't recorded in

notes pages.

I don't -- we don't receive note -- I think I can count on my hand -- I can count on my hand, I can count about two times that I've received it, that there's been a notes page on an IEP. So these discussion -- and that's different than what -- and I practice outside of Chicago. And other districts. Notes are regularly kept from the meeting. So you can refer for what the discussion is.

The problem with a CPS IEP is that notes are not typically kept, and that -- so this robust discussion isn't recorded.

>> RUPA RAMADURAI: Now was a district representative present at the June 17 IEP meeting?

>> MARGARET WAKELIN: Yes.

>> RUPA RAMADURAI: And was the child given para support for the current school year, the 17-18 school year?

>> MARGARET WAKELIN: No.

>> RUPA RAMADURAI: Why was the student not pried para support?

>> MARGARET WAKELIN: I don't believe the date that has been collected. The specific date that that's required. He's had an extensive FPA that's requested, but the actual paraprofessional data I don't believe that's been collected.

>> RUPA RAMADURAI: So I want to talk a little bit about the transcript that you provided of the due process that you were at representing the same student. There were two district representatives that testified at that due process; correct?

>> MARGARET WAKELIN: Correct.

>> RUPA RAMADURAI: And what do those district representatives state that their roles and responsibilities were?

>> MARGARET WAKELIN: Let me --

>> RUPA RAMADURAI: More specifically with respect to transportation and paraprofessionals.

>> MARGARET WAKELIN: Well, they both said -- and I actually reviewed this -- this morning to going to this section. They both said that they are responsible for approving paraprofessional and transportation decisions. So they both talked about how they have to do a file review for those, for paraprofessional, for transportation. Prior to the meeting. And they will often attend meetings, but not always.

>> RUPA RAMADURAI: Did they elaborate on what is entailed in a file review?

>> MARGARET WAKELIN: You could -- I think probably looking at the transcript would be the best thing. But looking at the IEPs and the -- they said -- the items that are in SSM. So the evaluation date that that IEPs --

>> RUPA RAMADURAI: Did the District Representatives say they were required to approve any other type of service for students with disabilities?

>> MARGARET WAKELIN: Yes. They said that they were required to approve ESY, and one of them said separate day. The.

They also said that they were required to approve specific learning disability, eligibility. I believe they both said that as well.

>> RUPA RAMADURAI: Did the District Representatives specify what school year this kind of approve authority came into play or was this historical practice?

>> MARGARET WAKELIN: They both specified that this was new for the 16-17 year. And we were specifically asking them about transportation

because that impacted our client most. Most readily at that point.

And they said that their understanding was that in past, when they had been participating, the decision about transportation was left to the IEP team. They made -- they distinguished that from what it was in 16-17.

>> RUPA RAMADURAI: And what did they say were the specific circumstances pertaining to transportation that they would be required for approval?

>> MARGARET WAKELIN: They said any -- both of them said this. Any -- any decision that did not involve a student placed in a cluster program. So a cluster program is a specialized program for typically for low -- students with low incidence disabilities. Similar -- autism, intellectual disability.

So when CPS places students at a cluster program, transportation is supposed to be on -- unquestioned. But that too at times has been something that we've had to point to the manual to show people about that. But they have all said that those were the only decisions that they didn't have to be involved in.

>> RUPA RAMADURAI: I want to transition now to asking you a little more generalized questions about the students you represent. Have you continued to attend IEP meetings this school year?

>> MARGARET WAKELIN: Yes. I just was at one on Thursday.

>> RUPA RAMADURAI: About how many would you say you have attended?

>> MARGARET WAKELIN: I think between 30 and 40. In the time period of the 16-17 and 17-18.

>> RUPA RAMADURAI: So now before you go further, we want to note that we understand that there are some cases that you cannot speak to for settlement agreements that may prevent you from doing so. So the line of questioning that I'm about to ask is not intended to solicit anything pertaining to those agreements. So if you feel like my line of questioning is not appropriate and you cannot speak to those situation, given your limitations, just let me know and we can stop there.

You mentioned a -- numerous situations in your opening statement that you have experienced as an advocate. I want to talk a little bit about paraprofessionals.

Have any of the IEP meetings that you've attended this current school year dealt with the need for para support?

>> MARGARET WAKELIN: This year. Where there's been a question about whether the student needs paraprofessional support and we've been dealing with data?

Let me just do -- I have some notes in front of me.

I don't think any this year have.

>> RUPA RAMADURAI: Okay. So let's talk about ESY then. Have any of the IEP meetings you've gone to this year considered a student needing ESY services?

>> MARGARET WAKELIN: They have but it hasn't been an issue where the student has been denied C.I.A.

>> RUPA RAMADURAI: You say they haven't --

>> MARGARET WAKELIN: They've been eligible for ESY.

>> RUPA RAMADURAI: Can you describe some of the processes that are working this year and whether you have seen changes or improvements?

>> MARGARET WAKELIN: I don't think I've seen any changes. Part of my experience is depending on -- it would depend on the meetings I go

to and the issues that come up. I don't think that there have been improvements in ESY.

One of the -- the attorneys that I -- I supervise in the clinic, she attended a meeting in January, 2018, where the team agrees that the student needed ESY, but the blocks still were there and they couldn't add ESY to that. So that's one of the preferred qualities clients that has been impacted by ESY and continues to be.

And although I'm very -- I'm happy to hear that Chicago Public Schools is going to be lifting the date restriction, I want to make sure that we're monitoring that to see that that does happen.

>> RUPA RAMADURAI: Have you seen any changes in the involvement of the DR in the ESY process or -- have any of your -- the attorneys working underneath you?

>> MARGARET WAKELIN: Well, I think one of the things that's different when you're talking to an attorney is that typically I have a district representative at my meeting. Because they -- if they're not going to send an attorney, which oftentimes they don't, they will send a District Representative.

So I'd say more in our work when we're talking with parents and counseling them, if we know something is a service that they need a District Representative to -- to participate in, we tell them to ask for that District Representative to be there. But that doesn't mean that the District Representative rep is always there. So we -- I had one situation where I was working with a family this fall, and it was a student who was transitioning from early intervention to an IEP, to preschool. And she had a transportation on her IEP, but because of the -- her -- the family's work schedule, they -- the grandmother was the caregiver. Both in the morning and the afternoon. So it was a different address than the family's address.

So CPS said we're not going to provide the bussing, we're only going to provide the bussing from your house. Which that wouldn't work. Because that's not where the student was. The student was at the grandmother's house. So we said contact the District Representative, get the District Representative at the meeting. Which she was trying to do.

But the -- she wasn't able to get the District Representative to the meeting, because the case manager told her ahead of time, said the District Representative said there's nothing that she could do about this either to make this happen. So we actually -- we had to represent in order to negotiate to get this pickup and drop-off. But at the same time -- while this is happening, the student was missing a lot of days of school. So I would say it's different for a parent than for me. And I think that's more of a liability issue.

They want to make sure there's a District Representative. And sometimes because we're worth looking at my schedule and the District Representative's schedule, that could mean that the meeting gets delayed.

>> RUPA RAMADURAI: Sure.

>> MARGARET WAKELIN: But then I think it's also -- the issue of District Representatives needing to approve separate day placements. I -- I've been working, taking cases in Chicago Public Schools for about ten years. And I've seen that there have, as Ms. Gibbons testified, there has been a role of someone like the District Representative in the past.

The difference is -- well, there's two things. One, we never thought that that was appropriate for the -- for someone to be able to veto an IEP team's decision in the past. And we've challenged that. So the action, even if they existed in the past, we didn't think that they were consistent with IDEA then.

But then the second thing -- part that's different is that now because of the blocks, IEP can't even be finalized. It can't reflect that discussion, like I was saying. So in the past it used to be able to be finalized.

>> RUPA RAMADURAI: Sock. So I want to stay on that topic but I want to focus on what's going on this school year and what you experienced. With the students that you represented and I shall you autos of separate day placement, can you describe for us how you believe the process is currently working this school year and whether you've seen any changes or improvements to that process?

>> MARGARET WAKELIN: I haven't seen -- so the way that it is working is that there has to be data collection demonstrating the need for a separate day placement. There is specific data collection is not always clear to us, it's definitely not clear to schools what that data collection is supposed to be. I'm representing a student right now who has been psychiatrically hospitalized multiple times.

And he -- his team is saying he needs a therapeutic day. They're talking -- they're talking to the parents and saying he needs a therapeutic day. But the district representative is requiring more data to be collected.

And according to the manual it's ten weeks of data. I'm not sure that that is a rigid rule. I think that with many of these policies and procedures, this manual, the procedures are used to -- as a basis to deny services. So they're not always adhered to relig- -- like as they should be. Because they're not used typically.

>> RUPA RAMADURAI: So in a situation where a student did receive a separate day placement, what was the type of data and documentation that the school had collected to justify that decision?

>> MARGARET WAKELIN: Typically it's like behavioral data, like ABC date that that they're collecting, they're collecting anecdotal data. The similar data that you would see for an FBA. Observational data. Usually it's not always the District Representative has to do an observation. And then weighs in. Oftentimes that one observation can be the reason why a student doesn't get a therapeutic day school placement. So that doesn't seem right.

>> RUPA RAMADURAI: Okay. Have you attended any IEP meetings this school year where it dealt with the eligibility for the student you were representing?

>> MARGARET WAKELIN: No. And I do want to just say I told this story about --

>> NANCY KRENT: Hold on. Miss Wakelin, I know that you'd like to share more things, but I really need to ask you to answer the questions you're being asked.

>> MARGARET WAKELIN: SLD, no. I haven't SLD --

>> RUPA RAMADURAI: So you spoke in your affidavit about examples of decisions being made outside of the IEP meeting.

Is that something that you commonly see?

>> MARGARET WAKELIN: Yes.

>> RUPA RAMADURAI: And have you commonly seen that this school year?

>> MARGARET WAKELIN: Well, I don't always know what's happening. But it does appear in the meeting that certain decisions have already been made.

>> RUPA RAMADURAI: And so --

>> MARGARET WAKELIN: I don't know exactly what that is, but --

>> RUPA RAMADURAI: And what leads you to believe that?

>> MARGARET WAKELIN: Because everyone just sort of looks to the District Representative or looks to the case manager to provide the response.

>> RUPA RAMADURAI: And we've heard testimony that district representatives are to only confirm that there is data present to qualify a student for respective services. And not evaluate it.

Has that been your experience, that the DRs are mostly there in the role of confirming that the data is there and not in an evaluatory role?

>> MARGARET WAKELIN: No, I think they're usually there evaluating the quality of it, not just confirming that it's there. But a lot of times, ago I said, the data hasn't been properly collected. So I guess that's a component of evaluating.

>> NANCY KRENT: We're going to take a minute.

>> MARGARET WAKELIN: I do apologize. I think I was thinking about the -- the meeting I attended on Thursday was SLD eligibility. So if I could...

>> NANCY KRENT: Sure.

>> MARGARET WAKELIN: I could say yes, I have attended a meeting on SLD eligibility this year. Did you have a follow-up question on that?

>> RUPA RAMADURAI: Yes. Can you describe for us how the process is working this year and if you've seen any changes and improvements with respect to SLD determinations?

>> MARGARET WAKELIN: This is what I did want to say. The process is not -- the MTSS requirement for data collection I haven't found to be limited just to SLD. And maybe that's a problem of data collection. Or sorry, training.

But it's been -- the requirement for MTSS data has been something that teams have said is required for initiating an evaluation even when it didn't involve SLD. In the case that I attended, it is a -- it's a strange case because the student had already had an independent evaluation which identified him as a student with a specific learning disability. And he had previously been diagnosed by Chicago Public Schools as being a student with specific learning disability. But then they changed his eligibility.

But Thursday was a reevaluation again, and I mean they -- they had data prior to initiating that -- the evaluation, the data was -- they didn't make reference of certain amount of weeks of MTSS data when we met in December, December was when we had the domains meeting.

So I'm not sure that this is an example of really things changing, just an example of what I was saying, how it can be inconsistent and adherence to the procedures often seems to happen when they're using it as a basis to deny.

>> RUPA RAMADURAI: So do you think that it's helpful that CPS is proposing not to require MTSS data but rather just make it more of a best practice?

>> MARGARET WAKELIN: Yeah, I think MTSS data -- I guess I think the way that MTSS data has been interpreted in Chicago Public Schools is a

little bit too limiting. And really when we're talking about multi tiered systems of support, we're talking about looking at a variety of different types of data. And a variety of different types of interventions.

So I think if we're really -- I think what has been confusing to teachers, confusing to IEP teams, confusing to parents is what constitutes MTSS data?

So I think if -- moving in the direction of broadening that to say we're looking -- we're not just looking at, you know, how the student performed on one specific intervention, but we're also going to look at, you know, has he been three times in the last three months psychiatrically hospitalized for two weeks at a time? Maybe that's data that should be relevant in determining whether we should be evaluating a student.

So yes, I think that that's a good thing. I think looking at the procedures as best practices is a direction to go. But schools don't know that. District representatives don't think of it as that. I mean, that's -- they're not best practices.

>> RUPA RAMADURAI: Thank you. I have no further questions. But my colleague, Mr. Cozzola might.

>> RICH COZZOLA: I'm going to go back to the -- some of the first cases that you talked about just because I -- some of them kind of went by pretty quickly and I'm trying to figure out...so Michael was the second student that you talked about. And he was being evaluated in June of '16, is that when the evaluation was?

>> MARGARET WAKELIN: That was when they agreed to evaluate him. But because -- if the consent had been signed at that point, then they would have been required to complete it before the first day of the -- of the following school year. And she didn't -- his parent didn't want him to have the summer assessment team. So it was deferred to September.

>> RICH COZZOLA: And then in September, as he's being evaluated, he is one of the students that was paraprofessional, right? Was the assessment for paraprofessional or separate day?

>> MARGARET WAKELIN: For eligibility. He hadn't been eligibility yet for --

>> RICH COZZOLA: What happens in the fall when he comes back?

>> MARGARET WAKELIN: So they had the meeting, which we all understood was going to be the domains meeting to talk about the assessment. But at that point the -- they were told, the case manager said, well, we need to collect MTSS data. And so we can't evaluate him now.

>> RICH COZZOLA: And when does he vent actually then get evaluated?

>> MARGARET WAKELIN: So they then in April of the following year completed the domains form, and then his eligible meeting was held at the end of May.

>> RICH COZZOLA: May '17.

>> MARGARET WAKELIN: May of -- yes.

>> RICH COZZOLA: And then is -- what's -- what happens then?

In terms of his case?

>> MARGARET WAKELIN: Well, he -- he was found eligible. So -- and what I said is that his evaluation was really startling, really upsetting to me because it was really profound in terms of the difficulties that it documented.

So an IEP was written for him. He was in danger of failing that grade at that point. He was -- at that point he was 6th grade. And he had already failed third grade. But he was promoted to 7th grade. And so now he's been receiving Special Education and doing well.

>> RICH COZZOLA: Okay. One of the students -- and I just didn't write it down quick enough -- seemed like you said that instead of getting a paraprofessional, he ended up or she ended up going to separate day?

>> MARGARET WAKELIN: Right. That's actually the student that I included in my affidavit. And that is it -- that was -- so there was -- he didn't have -- they didn't add paraprofessional to his IEP because they had no data. None of the data that they said would qualify. I would say they had significant amount of data, but...

>> RICH COZZOLA: You're talking about -- just because we've been talking about data, when you say they had significant amount of data, what do you mean?

>> MARGARET WAKELIN: What I mean is that they had his IEPs for years, they had the IEP report card, that said how he was doing on his IEP goal, they had an evaluation that we -- they had a psychological evaluation, we had an occupational therapy evaluation, a speech I evaluation, a social assessment. And we had -- and we had behavioral reports that are -- were largely anecdotal.

So -- and many of those, if you look at his IEP and many places it said he needs one-on-one support.

And he had had a shared aide previously, but those people also the people in the team thought that he needed to have one-on-one aide. So dedicated aide.

>> RICH COZZOLA: So what was missing at this -- at that point it was for paraprofessional, you needed a -- need five or ten days of observations upload.

>> MARGARET WAKELIN: Right. That data at that did not exist. And I'm not sure exactly what -- I think the question was asked, if it's the student who does have an aide, what is it that you're -- what are you documenting or taking the aide away or -- I'm not sure what that data would look like. But that was the data that they said that they didn't have. So for --

>> RICH COZZOLA: Did you have an idea -- I'm sorry to cut you off. But why -- that hadn't happened in that case?

I mean was it talked about at the meeting of here's -- here's why it wasn't done?

>> MARGARET WAKELIN: They just would say it was missing. I mean -- yeah.

>> RICH COZZOLA: So that -- that's the June '17 meeting, or May '17 meeting.

>> MARGARET WAKELIN: That was June. The very end of the school year. So then the IEP team met again in November. And at that meeting --

>> RICH COZZOLA: Now we're in November of '17.

>> MARGARET WAKELIN: Yeah. And at that meeting CPS changed his placement to a therapeutic day school. Again, the -- which -- -- the wishes of the parent. The parent did not agree with that.

>> RICH COZZOLA: Had they collected the data on the parapro by November 17, or do you know?

>> MARGARET WAKELIN: I don't believe so. I haven't seen that data.

>> RICH COZZOLA: Okay. And was there a discussion --

>> MARGARET WAKELIN: There was other data. Again, there was a functional behavioral assessment that had been done. There were more evaluations that had been done. And that was, you know, one -- one of the reasons why we think that that changed to therapeutic day school was improper.

>> RICH COZZOLA: Was because?

>> MARGARET WAKELIN: Because he didn't have the para -- they hadn't done the interventions in the school setting to justify -- we also think that he -- he was making some progress in certain areas. They hadn't done interventions in order to justify a segregated school.

>> RICH COZZOLA: You also talked about Gigi and the kindergarten student who -- you were at the IEP meeting, parents believed she needs an aide, or she's wandering and does the school staff or their belief that he needs an aide?

>> MARGARET WAKELIN: Yes.

>> RICH COZZOLA: Who from the school staff was there? I think you said there was no principal there that could confirm the data. But what titles of people were there? I mean in terms of --

>> MARGARET WAKELIN: The case manager, the teacher. He is in a general Ed setting but also the special ed teacher, so both of those teachers were there.

>> RICH COZZOLA: Okay. And then does that get fixed right away after that? I mean he was labeled to come back and then confirm that the appropriate data is there and get a -- another date for the IEP to fix that?

>> MARGARET WAKELIN: So that IEP meeting is supposed to be on April 23rd.

>> RICH COZZOLA: OK. Do you know if the principal has confirmed the data?

>> MARGARET WAKELIN: I don't know. I know that the district representative will be there. It's -- been a very difficult situation for that IEP -- the IEP meeting to be on April 23rd. It is a very upsetting thing to the family. I know that there has been -- there are -- it's an elementary school classroom. So there are aides who are part of that, shared aides, but he needs a dedicated aide.

>> RICH COZZOLA: Okay. Do you know if on the date of the IEP meeting when the principal wasn't there, did anyone try to communicate with the assistant principal, if there is one at the school or with the DR?

>> MARGARET WAKELIN: I think that there was some communication with District Representative, but I don't think with the system principal.

>> RICH COZZOLA: And...

>> MARGARET WAKELIN: And I'm not sure even if the assistant principal would be able to --

>> RICH COZZOLA: So did the DR -- I don't know if the DR under the procedures at the time could have confirmed or not, but was the DR able to confirm that sufficient data was uploaded to have the discussion?

>> MARGARET WAKELIN: Well, the -- the IEP hasn't been changed. So I'm assuming no. But I don't know. And -- and I would just say that I don't -- I've seen data. I've seen three weeks of data. But I don't know again that that's the data that is deemed sufficient. So...

>> RICH COZZOLA: The transportation with the grandparent to drop off and pick up, was that a purple form or a blue form?

>> MARGARET WAKELIN: I think it's -- I don't even know -- I don't know if there is a form. Because the student is in Head Start. So I think that's purple. But...

>> RICH COZZOLA: Do you know who had to approve it?

>> MARGARET WAKELIN: I don't know who had to approve it. I think it was the District Representative. That was what was communicated to me by CPS attorney.

>> RICH COZZOLA: Okay. All right. I have nothing further.

>> NANCY KRENT: I just have one question. Because I want to make sure my notes are correct. On Gigi. You said there's a meeting coming up on April 23rd.

That's a continuation of which meeting?

>> MARGARET WAKELIN: Of the September I think it was September 27th. Because -- and I'll explain. One of the reasons the meeting we requested a -- a functional behavior assessment to be done by the district, board certified behavioral analyst and there were staffing absences, so that's why it's been -- in order to complete it, that's why they -- that's been the justification.

>> NANCY KRENT: Got it. Okay. Thank you. I have no further questions.

All right. Ms. Bazer.

>> NICKI BAZER: I just have a couple questions, Ms. Wakelin. I just want to confirm some of your testimony. You testified you attended 30 to 40 IEP meetings this school year and last year combined, is that correct?

>> MARGARET WAKELIN: Yes.

>> NICKI BAZER: And no meetings for this school year have involved any issues related to paraprofessional supports that you've attended; is that what you testified.

>> MARGARET WAKELIN: That I've attended. Yes.

>> NICKI BAZER: You have attended no meetings where ESY was denied.

>> MARGARET WAKELIN: Correct.

>> NICKI BAZER: And just because I'm confused as your testimony, the meeting that you attended on Thursday was the student given the eligibility of SLD?

>> MARGARET WAKELIN: Yes.

>> NICKI BAZER: You testified that it's different for parents attending IEP meetings then when you or one of your attorneys is present. But it would be accurate to say that you cannot testify as to what goes on at the thousands of IEP meetings every school year that you don't attend; is that right?

>> MARGARET WAKELIN: Well, I guess I have my perspective, which is that the parents over 500 a year tell us about what's happening in the meetings when we're not there.

So yes, with the caveat I'm not directly there but how they report it, and then I also review all the documents. I see who's attending those meetings. And then oftentimes we're telling people make sure the District Representative's at that meeting, and then the District Representative isn't there. So I do have some perspective on what's happening there.

>> NICKI BAZER: Sure. So you get about 500 calls, obviously from parents that have concerns. There are 50,000 or so students in CPS that are diverse learners, is that correct?

>> MARGARET WAKELIN: Sure.

>> NICKI BAZER: For those meetings that go on every year, not the 500 parents that call, you don't -- you cannot testify as to what is happening in those meetings; is that right is this.

>> MARGARET WAKELIN: Right. That's true.

>> NICKI BAZER: You testified a couple of different times about what schools do or do not know or teachers do or do not know. I understand that's based on some of the feedback you're getting at IEP meetings or from parents. But you can't speak for all schools or all teachers as to what they do or do not know in the CPS system; correct?

>> MARGARET WAKELIN: No, you're right. Yes. I cannot. I can just use the sample to try and extrapolate and as I say most of our clients are low income clients, so I don't -- I'm seeing that population.

>> NICKI BAZER: Right. Thank you for your time. I appreciate your testimony. I don't have any further questions. I would also encourage the team to read through the transcripts from the ODLSS reps, I agree that Ms. Wakelin that it would be better to review their words than her summary of those words. Thank you.

>> NANCY KRENT: Thank you. Advocates have no questions. Thank you, Ms. Wakelin. It is now 2:47. We will take a break until 3:25. That will give you each a chance to pull your thoughts together. We will then have 15 minute closing statements which we told you would have. School district go first and the advocates. And we will conclude before four o'clock. Thank you very much for your cooperation and thank you Ms. You Wakelin. We will resume. Kobe.

>> MAT COHEN: I'll be okay with 3:15.

>> NICKI BAZER: That's fine.

>> NANCY KRENT: Excellent. We will resume at 3:15. We will be done by 3:45.

(Break.)

>> NANCY KRENT: It's 3:15. We're going to begin with Chicago Public Schools. Each side has 15 minutes.

>> NICKI BAZER: Thank you. We would like to end where we began, with these words from Dr. Jackson and our absolute commitment to the students of this district and to the heights that CPS students can reach. We know that CPS's diverse learners must be given every opportunity for growth and achievement, reforms are already underway and we need to look forward to a system that does not maintain the prior status quo, but instead provides real opportunities for all students.

CPS remains committed to this inquiry process because of its potential. It's potential to harness the energy of stakeholder, the knowledge of ISBE and the experts of CPS and it's talented principals and teachers and to bring these forces together in positive collaboration.

All of CPS's policies and procedures must be geared toward supporting students reaching their full potential. Specifically CPS's electronic system and policies must be target at providing the least restrictive environment for students, that is not only the law but is the only way in which we ensure that students are prepared for meaningful and independent life after high school.

The involvement of principals and ODLSS representatives on IEP teams ensures the students can receive the full panoply of services available in CPS, both special education and general education. And ensures that thoughtful decisions are made for students so they can grow and

achieve.

We heard from a teacher about the data required for sending a third grade student to a therapeutic day school and the oversight of the ODLSS representative in that process. CPS stands by process that requires a thoughtful and informed decision making before sending an 8-year-old away from his school and friends to an outside placement.

We heard from a teacher who wanted a dedicated paraprofessional for student but before a behavior plan was in place who acknowledged a BIP was need to design individualized behavior supports. While we know that students need dedicated para support, that is a very restrictive intervention that should only be imposed when other interventions are tried and when supported by data.

We heard from parent who confirmed that her child was approved for a needed para based on the review of the data and informed discussion of the IEP team. CPS is willing to review the involvement of ODLSS representatives and principals so that students receive the best supports while not experiencing any unnecessary delays in services. CPS is similarly willing to review its electronic system so that it is both useful to staff, but also creates the necessary framework to ensure that decisions are lawful and consistent with best practices.

We know administrator involvement and changes in the electronic system have presented challenges. We are willing to continue our collaboration with the CTU, with principals and with parents to make needed changes in these areas so that all students are served in a timely and effective way. CPS will not compromise, however, in ensuring students are given services that they truly need to succeed and not because it is easier or more expeditious for adults.

Data is essential to driving decisions for students. We cannot shoot in the dark when it comes to serving any student, particularly those with special need. We have heard from teachers and administrators confirming the need for data in education decision-making and we know from parents that both providing and understanding data is crucial to active involvement in their students' education. We understand that the amount of data required can feel onerous to teachers, many of the data requirements have already been changed and CPS is committed to continuing dialogue on this issue particularly with CTU whose members are the frontline of IEP decisions. We must achieve the correct balance so data collection is workable for staff, and meaningful for student decisions.

We know that funding for schools in Illinois is not at the level it should be. We know resources are far too scarce. We have not heard any testimony however that CPS's budgeting system itself has caused systemic delay of denial of services, instead what we have heard and seen is that principals, the same pins that are driving extraordinary achievements across CPS are making decisions based on student need and not on the bottom line.

And CPS has to its appeal process and other funding allocations provided both additional funds when needed and provided assistance and support to principals in allocating the funds that they have. We also know that the budget system that CPS has used in the past couple years has caused confusion and concern.

So CPS is committed to changing it for next year so that Special Education positions are allocated separately from general education funds. Through this change CPS is confirming its commitment to

transparency. And accountability.

And finally, CPS has reaffirmed its commitment to providing transportation to students when needed to ensure diverse learners have access to their schools. We've heard nothing about systemic denials or delays in services but CPS will continue to review its policies and procedures so that students are given the transportation needed and to which, they are entitled. CPS has heard the concerns raised in this inquiry as well as those voiced by parents, advocates, staff and principals.

Under Dr. Jackson's leadership the district is driving reform efforts that support student achievement. This commitment to improvement and change applies equally in the area of special education. We invite and look forward to a collaborative process focused on providing the best possible outcomes for all kids. Thank you.

>> NANCY KRENT: Thank you very much. For the advocates?

>> MAT COHEN: At the outset I would like to thank the members of the panel for your efforts. We have continuing concerns about the scope of the investigation and believe it does not touch on all of the issues that are of concern with respect to the CPS special education system. And we have concern about the time frames within which you and we were asked to complete this process. We recognize the enormous effort that you've made, and the thoroughness with which you have reviewed the records, and we appreciate that.

I would also like to thank on behalf of the attorneys who are up here today, Rod Esteban and the advocacy group, literally dozens of parents, advocates, attorneys, educators and Pace administrators who have completed in this process. It is a unique process and displayed by all people who contributed on behalf of the advocacy group reflect the level of concern that we have with respect to the dysfunction of this CPS Special Education system.

Taking us back to 2016 when the process that is at issue today began, CPS issued a white paper on Special Education which was in the third party documents Page 1. Although that white paper was faulty in many different ways, its message was clear, that CPS was failing to meet the needs of children with disabilities and was failing to immediately identify the needs of children with disabilities objectively in comparison to other school districts and in comparison to CPS's own recognition of what they were entitled to.

The report completed in 2016 was prescient in a number of ways, and in fact when we think about that report and what we've been discussing through this entire process, and frankly feels like déjà vu all over again and again.

That white paper identified the concern that students with disabilities were being funded as a low priority rather than a high priority and called for a system that ensured that students with IEPs are funded first and scheduled first.

In fact, the system that CPS adopted in response is the opposite. It pitted the needs of children with disabilities against the needs of children in regular education. It pitted the needs for regular Ed staff with the needs of special ed staff and it adopted a budget review process that essentially said that if the school district appeal was denied, it was up to the principal to figure out how to find the money to fund the needs of the children with IEPs regardless of whether the money was actually there.

Hypothetically requiring those principals to actually go back and terminate existing staff in order to free up the funds that might be available to provide the services for kids with disabilities.

That white paper called for training of teachers on best practices. And yet we have heard repeated testimony of the limitations on training, the training of case managers, the use of a weekly email to case managers on SSM, the planned convened training not even a single training having occurred on the February 2018 policy as of yet, the plan to convene training in the future, the training process is obviously grossly inadequate. We heard discussion of the multi-tiered system support and you learned that that support process is actually being used not only with respect to LD as the federal regulations required but is being used across disability categories and is being used to delay and deny service rather than to inform better decisions.

You heard from the white paper a desire to strengthen standards and oversight of the Special Education process, and what we've learned through this process is that we have layered on regional chiefs, district representatives, principals, central office review procedures, layers and layers of data and procedures that do not have the effect of strengthening standards. In fact, shockingly what we've heard is repeated confusion about what the standards are and from both Dr. Keenan and Ms. Gibbons, a lack of clarity as to whether the guidelines are declaratory and required or simply advisory and best practice.

How can we possibly achieve strengthened standards and oversight when the staff is left to guess whether the documents that are published by CPS to ostensibly guide them are requirements or simply advisory?

We've heard in the white paper concern about the current case management practices in 2016, and we've learned through this process that the decision-making within CPS currently is chaotic, irrational and requires an elevation of the quantification of data but not concerned with the quality of data. That there has been a lack of clarity as to when the principal should be involved, when the District Representative should be involved, and what happens if they're not involved or the data is determined not to be present.

Lastly, CPS in 2016 said they were concerned about focus on achievement. By focussing on standards and rigorous curriculum and progress monitoring. As you heard Margie Wakelin say today and I think it's a critical point, the advocacy group is not suggesting that data is an inappropriate thing to use in a decision-making process; but data that informs the decision is necessary, not data that is collected for the sake of checking off a box without any regard to whether the data that's collected is meaningful, is relevant, and is adequate to help to make the decisions.

And, when a procedure is so entirely driven by the data process that the result is that the decisions for particular children are missed, are delayed or denied, not because qualitatively there isn't a basis to establish their need, but just because the rigorous data-gathering has not been fulfilled. That is a denial of faith individually and it's a systemic failure on behalf of all the children. And I would submit to you as well this is an amazingly complex process. We are losing and wasting educator time and children time gathering data points. It's shocking that they tell you that it doesn't matter what the data says, as long as the data is there.

Essentially that admission says we are elevating the gathering of the data so that the computer system will allow the decision to go forward and yet we're not concerned about whether that data actually qualitatively drives the decision or not. The data process is wasting everyone's time, not informing good decisions.

And so then why is all of this necessary?

Well, Forrest Claypool and former special ed director are gone. But you have seen documents that made clear -- you've seen documents, I think it's going to record me one way or the other -- you've seen documents that make clear that the purpose of the task force was really not to improve the outcomes for children with disabilities, the purpose of the task force was to streamline the process to build in consistency and to find ways to reduce the level of service.

In this entire hearing process we have not heard an adequate explanation of why one-on-one aide minutes dropped by 50 percent. We have not heard an adequate explanation of why ESY dropped 50 percent. We have not heard an explanation for why hundreds of families with children in preschool were left without transportation because of an administrative fiat that had nothing to do with their need for services.

These things were driven by a desire to reduce cost. They were not driven in any way, shape or form by a desire to improve educational outcomes, and on Page 2087 of the CPS documents, the task force said exactly that when they indicated that the principal goal was to elevate -- to reduce cost structures by driving standardization, consistencies and efficiencies into the process and function.

CPS set up a model that elevated consistency over quality, process over outcomes and shifted responsibility from the IEP teams to the -- and the parent to the administration.

And notably in the March 2016 documentation they acknowledge explicitly in writing their concern or prediction that the CTU would be likely concerned that the individual IEP team decisions are governed from central office, special ed groups would be concerned that the protocols could result in a net loss of services, and parents will likely balk at the potential loss of adult support for their children.

These things were known. They went ahead anyway. And they went ahead because the goal was to reduce cost, not to improve services.

Dr. Keenan indicated that she didn't know what was happening in that policy process. Even though the documentation that you have indicates that she was involved in meetings from middle of July through late August on a weekly basis that dealt with implementation of the policy. She also testified that she didn't really know what the policy changes had been as a result of the task force.

And then later she testified that really the whole point was best practice and the policy guidelines weren't really rules. They were just advisory.

How can a team be expected to do its job if it doesn't know what's required, what's best practice, and what they might do as an exception to the rule?

The information that you've heard also from Mr. Volan made clear that the budget review process was fundamentally flawed. Three quarters of the reviews resulted in denial and that was including I think both the district chiefs, network chiefs and the review panel. Some of the review members weren't even special educators and the results of the

reviews got communicated back but without any accountability or requirement that they go back to verify that the students were actually getting the services that they were supposed to.

The district rep process is by itself impossible. There are 40 district reps covering apparently 700 schools, covering 9,000 students in charter, contract schools and option schools. Covering all of the exceptions to ESY, covering all the private day schools. There's no way it is humanly possible that those 40 individuals could make the decisions that they're being asked to make and do so in a responsible way with a careful review of meaningful qualitative data to reach good decisions. They're there as a policeman to issue traffic tickets because the process is going too fast in providing services to kids, not ensuring the quality services are being provided.

And notably the budget review process by the testimony of Mr. Volan only looks at situations where schools are overstaffed or apparently overstaffed. It doesn't look at situations where schools might be understaffed. Further evidence at that what was driving this process was not concern for quality and provision of faith, it was a concern for excess expenditure and the desire to reduce costs.

We've got the SSM and data block process, the data gathering process, and in fact conceptually I think the first and second questions that are before you are inherently inextricably linked. Because the SSM process drives the involvement of the district representative and the principal and it's based on data collection, and then if there's a decision that there's inadequate data, it requires that we go back and get more data.

Never are we given criteria for what data is required, never are we given how that data is going to be assessed qualitatively and what we do know is that with respect to critical areas, ESY, transportation, private day school and residential, one-on-one aide, LD, and I'm forgetting one, but in any event the critical areas that we've been talking about, if the data is inadequate, the decision is delayed. And not only is the decision delayed, but frequently the result at the meeting is that the SSM drop-down menu says doesn't qualify for the service. It doesn't say, we're going to continue to work on it, it doesn't say we need to meet again in order to have more data. It doesn't say this is pending more data. It says denied.

And we heard testimony that parents are not being trained. They have to go looking on the website to find these rules, and the 2016 rules were posted for one day. There's no way that any parent is going to know when given a drop-down menu that says your child service was denied, that that actually meant no, no, we're just going to think about it some more and gather more data and we'll meet again. There has not been testimony today but I can share with you from the experience of many advocates, it's hard to get an IEP meeting in CPS. It's hard to get an IEP meeting. And that's without having a district representative involved.

And so when this data isn't there, it's effectively operating as a barrier to service.

>> RICH COZZOLA: One minute.

>> MAT COHEN: It's clear that the SSM system has not been adequately updated to reflect the changes that are in the 2018 rules. It's also clear that the 2018 rules both in terms of data gathering and in terms of the SSM continue to have significant requirements that are

burdensome, unnecessary, nonspecific, nonqualitative, and that result in significant delays in service or denial of service when the teams themselves are indicating that the service is necessary.

That's true with the presence of LD documentation, it's true in relation to therapeutic day school, it's true in relation to transportation and ESY. Overall in relation to budgeting and contrary to what Ms. Bazer said there are obviously financial issues that are limiting the staff, there are obviously financial procedures that are limiting the availability is to staff and the ability to fill positions. The budget crisis is real and it's affecting CPS.

>> NANCY KRENT: Thank you. Thank you very much.

>> MAT COHEN: Over --

>> NANCY KRENT: Time is up.

I want to thank all of -- first of all, all the people who have come, the people who are here in the audience, those who are following along with the live stream. All of the people who came forward and all of the various community input sessions. On behalf of panel, we want to thank ISBE for creating a process that allowed for that sort of input. Want to thank the parties.

We know that this has been a new process. And that there's been a learning curve for all of us as we've gone through it. We appreciate the hard work and effort that everyone put in to provide us with all of the documentation, the data that you submitted. We know we asked all of you to do a lot of work; and you did it and you did it well. And you've given us a tremendous amount of information to review. You helped us ask questions of witnesses that have been helpful to us. We want to thank all those witnesses who came forward. On both sides to testify. And to answer questions for all of us.

We also want to thank -- Chicago Kent college law firm, making this auditorium available to us and helping us to make the live stream so that we could have communities watching this who couldn't be here. And for our transcription, for those who need that service as well.

Just to remind the parties of what comes next.

You've asked for an opportunity to submit now written documentation. To help us make our decision with regard to our findings of fact. Again, please remember these aren't closing briefs. Don't make argument. We're not making legal conclusions, we are finding facts. Feel free to simply use bullet points if you want to draw our attention to things that you think are critical if you feel that you don't want to write paragraphs in the ten pages. The specific requirements are ten pages, double spaced. 12 point font. They must be turned in no later than 1:00 p.m., write that down. 1:00 p.m. on April 4th.

If either side doesn't comply with any of these rules, we will not consider your documentation.

We look forward to reading what you have to say. This matter will be referred to the general counsel and the state superintendent. And they will be making a report to the state Board of Education. At the April 18th meeting. Thank you all. The public hearing portion of this inquiry is now closed.

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