

ILLINOIS STATE BOARD OF EDUCATION



ISBE 4th Floor Board Room
100 N. First Street, Springfield, IL

This meeting will also be audio cast on the Internet at: www.isbe.net

May 16, 2018
10:30 a.m.

I. Roll Call/Pledge of Allegiance

- A. Consideration of and Possible Actions on Any Requests for Participation in Meeting by Other Means

II. Public Participation

III. Presentations and Updates

- A. Technical Advisory Committee Presentation
- B. Government Accountability and Transparency Act (GATA) Overview **pp. 2-15**

IV. Closed Session

V. Superintendent's Report – Consent Agenda

- A. *Approval of Minutes
 - 1. Plenary Minutes: April 18, 2018 **pp. 16-26**
- B. *Rules for Initial Review
 - 1. Part 1 (Public Schools Evaluation, Recognition, and Supervision) **pp. 27-68**
- C. *Contracts and Grants Over \$1 Million
 - 1. Renewal of the Intergovernmental Agreement for the Illinois Interactive Report Card **pp. 69-72**
- D. *Statewide Single Audit for Fiscal Year 2017 **pp. 73**

End of Consent Agenda

VI. Corrective Actions and Recommendations for the Board Stemming from the Public Inquiry pp. 74-126

VII. Discussion Items

- A. District Oversight Update
- B. Legislative Update **pp. 127-137**
- C. Budget Update
- D. ESSA Update
- E. Other Items for Discussion

VIII. Announcements and Reports

- A. Superintendents/Senior Staff Announcements
- B. Chairman's Report

C. Member Reports

IX. Information Items

A. ISBE Financial and Administrative Monthly Reports available online at
<https://www.isbe.net>

X. Adjourn

This meeting will be accessible to persons with disabilities. Persons planning to attend who need special accommodations should contact the Board office no later than the date prior to the meeting. Contact the Superintendent's office at the State Board of Education. Phone: 217-782-2221; TTY/TDD: 217-782-1900; Fax: 217-785-3972.

NOTE: Chairman Meeks may call for a break in the meeting as necessary in order for the Board to go into closed session.



Illinois State Board of Education

Grant Accountability and Transparency Act (GATA) Overview

May 2018 Board Presentation

GATA Background

- **Need** - 52 Illinois grant making agencies with 462 grant appropriations comprising 66% of the State budget each had different processes, terminology, data collection protocols.
- **Goal** - To improve outcomes by becoming more performance focused while increasing accountability, transparency and efficiency across state government.

GATA Description

- **Method** - GATA adopts the federal uniform guidance (2 CFR 200 A/K/A super circular) for all grants and provides for the centralization and automation of some aspects of grant administration.
- **Scope** - GATA is applicable to all State funded grant programs unless exempted. ISBE has exemptions for Evidence Based Funding, Mandated Categorical programs, and Driver's Education.

GATA at ISBE

- ISBE processes nearly 17,000 awards to over 2,300 entities annually
- ISBE is the cognizant agency for 1,970 of the state's 6,000 grantees (33%)
- ISBE created a cross-agency GATA Steering Committee to guide development and implementation of GATA

Implemented to Date

GATA Portal was initiated in FY 2017

- Registration
- Pre-qualification
- Fiscal & administrative risk self-assessment

Implemented to Date

Uniform forms and templates

- Application
- Notice of Funding Opportunity (NOFO)
- Notice of State Award (NOSA)
- Grant agreement



Implemented to Date

Uniform Processes

- Catalog of State Financial Assistance (CSFA) Publication
- Merit-based review policy
- Programmatic risk self-assessment by grantees
- Periodic performance reporting

Implementation Issues and Challenges

External

- Required portal registration, pre-qualification and annual ICQ completion for all grantees
- Grantee confusion between IWAS and the Grantee portal
- Risk assessments and resulting risk mitigation conditions
- Required quarterly program performance report submission

Implementation Issues and Challenges

Internal

- Integration of GATA requirements into the EGMS
- Adoption of prescribed posting periods and appeal opportunities for competitive grants
- Receipt, review and processing of quarterly performance reports
- Administration of risk mitigating conditions
- Implementation of expanded audit finding resolution process

FY 2019 Expectations

- Expansion of Indirect cost reimbursement
- Centralized audit review
- Cooperative audit finding resolution
- Expanded risk management/mitigation
- Coordinated on-site monitoring
- Grantee performance measures alignment with Board goals and Budgeting for Results
- Stop pay

Impact – Improving Grantee Administrative Capacity

- Implementation of supportive fiscal and administrative risk mitigating conditions
- Increased allocation of ISBE resources to cooperative grantee audit finding resolution
- Coordination of audit, risk assessment and monitoring information and support
- Increased allowance of indirect cost reimbursement to support administrative capacity

Impact – Improving Program Outcomes

- Application of supportive, risk mitigating conditions to areas of self-assessed weakness related to programmatic management
- Periodic grantee reporting of performance in relation to program performance standards
- Identification of grantees in need of additional support through periodic performance report review
- Identification of more successful programs, best practices

GATA

Questions?

**Illinois State Board of Education Meeting
via video conference**

April 18, 2018

Chicago Location: ISBE Video Conference Room, 14th Floor
100 W. Randolph Street, Chicago, IL

Springfield Location: ISBE Video Conference Room, 3rd Floor
100 N. First Street, Springfield, IL

ROLL CALL

Chairman James Meeks called the meeting to order at 9 a.m. Dr. Tony Smith was in attendance and a quorum was present.

Members Present in Chicago

James T. Meeks, Chairman
Cesilie Price, Secretary
Ruth Cross
Lula Ford
Mitchell Holzrichter

Members Present in Springfield

Kevin Settle
Susie Morrison

**PUBLIC
PARTICIPATION**

Ben Boer, deputy director at Advance Illinois; Mary Havis, superintendent at Berwyn South School District 100 and member of the Equity First Superintendent's Group and the Real Learning for Real Life Coalition; and Dr. Stephanie Schmitz Bechteler, vice president and executive director of the Research and Policy Center at the Chicago Urban League, spoke in favor of the Every Student Succeeds Act (ESSA) accountability system. However, they expressed concern about the pace of the statewide goals. They recommended a new set of goals that they felt to be more realistic.

A subgroup of the Real Learning for Real Life Coalition, composed of Ralph Grimm, former superintendent at District 205; Josh Kaufmann, executive director at Teach Plus Illinois; and Jim O'Connor, project director at Advance Illinois, presented recommendations regarding the teacher shortage issue. They recommended that ISBE address unfilled teacher positions by allowing superintendents and hiring managers to place educators outside of their licensed area with conditions. Additionally, they commented on the entrance tests for teachers -- the ACT, SAT, and the Test of Academic Proficiency (TAP) -- describing how some teacher candidates feel confused about which test to take because the threshold for passing the TAP is higher than that of the ACT.

Liz Keenan, chief of Diverse Learner Supports and Services at Chicago Public Schools, thanked ISBE for the Public Inquiry into Special Education and updated the Board on reforms that CPS has made in response to the comments from parents and advocacy groups.

Representatives from the U.S. Marines -- Major Nicole Bastian, Major Robert Stevenson, Lieutenant Anthony Gomez, Corporal Tally Craig, Lance Corporal Abel Gun and Lance Corporal Miranda Robertson -- spoke on the value and importance of the armed forces as a postsecondary option and expressed concern that high schools are withholding information from students about postsecondary career and educational opportunities. They requested that the Board consider establishing procedures for the state to distribute information from the Student Information System to the armed forces.

Vanessa Kinder, executive director of South Cook Intermediate Service Center, and Dr. Courtney Orzel, superintendent of Lemont-Bromberek Combined School District 113A, spoke in favor of continuing Foundational Services and expressed concern for districts that will not fall into Tier 3 or 4 categories.

Jill Reedy, assistant regional superintendent of schools for Macon and Piatt counties, and Dr. Jeanne Koehler, director of Academy for Scholarship in Learning at Southern Illinois University School of Medicine, expressed support

for Foundational Services and concern that Tier 1 and 2 districts will have added costs if the program is dissolved. Dr. Koehler shared her experiences working with districts.

Susie Morrison asked whether ISBE planned to continue Foundational Services. Superintendent Smith responded by updating the Board on the transition from Foundational Services. He expressed appreciation for the high-quality services, but said he was concerned that the quality of those services is not standard across the state. Superintendent Smith said that while Foundational Services will no longer exist as named, the services will be continued.

Dr. Jason Helfer, deputy superintendent of Teaching and Learning, provided additional details on the planning for the transition. Ms. Morrison asked how districts will access services once Foundational Services have ended. Dr. Helfer responded that ISBE is reviewing how districts use Title I funds, in addition to looking at services through Illinois State University in order to ensure that districts that are not eligible for those funds will still receive support.

Ms. Morrison asked if the districts that currently do not qualify for additional funding to access IL-EMPOWER will receive additional funds. Dr. Helfer said that they will receive Title I allocations and ISBE is working on developing a transition plan for money that has not been allocated.

Superintendent Smith clarified Dr. Helfer's statement by reminding the Board of unspent dollars in districts for Title I. He stated that part of the transition will be to use those funds, in addition to other resources. He stated that there will be more information provided to the Board in June.

Kevin Settle remarked that there were IL-EMPOWER pilot districts that would not have been required to join the program but were still able to participate, so a solution must exist.

Dr. Koehler asked how a high-need child is defined. Dr. Helfer responded that in Title I they are defined by their family's income. Dr. Koehler requested that the Board consider a student's access to services as part the criteria for determining high need.

Jonathan VanderBrug, policy and research director at Arts Alliance Illinois, updated the Board on the Arts Indicator workgroup, which is coordinated by Arts Alliance Illinois and ISBE.

Eliot Regenstein, senior vice president of advocacy and policy at Ounce of Prevention, presented a proposal for implementing the P-2 indicator at above zero weight immediately, as opposed to waiting for three years per ISBE's recommendation. He proposed considering the P-2 indicator as stand-alone elements that are referred to as the indicator rather than a composite of the four different elements of the indicator. He outlined the benefits of this approach.

Susan Rhodes, a past president at the Illinois Association for Gifted Children (IAGC), expressed support for the stakeholder engagement in the Illinois ESSA State Plan and its focus on closing the equity gap. She explained why including access to gifted programs in an accountability system is important for the success of students in families with low incomes. Ms. Rhodes stated that IAGC is supportive of ISBE's indicators and would like to be part of any collaboration.

Kenneth Newman expressed his concern about the athletic facilities at Chicago Public Schools. He recommended adding four 100-meter tracks throughout the city. He also expressed concern about tax increment finance districts, which he felt drew money away from athletic facilities. Mr. Newman recommended that the ISBE Legal Department sue CPS for lack of funding for athletic facilities.

Chairman Meeks recognized Vanessa Kinder, executive director of South Cook Intermediate Service Center, as well as Jane Quinlan, regional superintendent of Champaign and Ford counties.

PRESENTATIONS AND UPDATES

Technical Advisory Committee Update

Dr. Helfer presented on the Technical Advisory Committee (TAC) with Chris Domaleski, associate director at the Center of Assessment, who joined by phone.

They reviewed the purpose and methods of the Technical Advisory Committee, which is to develop recommendations regarding growth and proficiency for the ESSA accountability system. They informed the Board that the TAC will recommend using mean Student Growth Percentiles as the basis for computing growth.

Ms. Morrison cautioned against using letter grades for a school's proficiency and growth. Mr. Domaleski responded to Ms. Morrison's concern about the grades, indicating that the TAC was hesitant about how they were interpreted.

Mr. Settle expressed concern about designating a lower quintile for districts in perpetuity because there will always be a bottom 20th percentile in each group. Mr. Domaleski acknowledged that the question will continue to be on the TAC agenda. He outlined a possible solution that there would not be a fixed percentage. However, he also described the potential benefit of viewing growth normatively.

Ms. Morrison asked how often a school would receive a designation. Dr. Helfer responded that comprehensive schools would be identified every three years, and target schools and grades would be provided annually.

Ms. Morrison expressed concern about how these different designations will be explained.

Superintendent Smith remarked that there will be an opportunity for two more webinars. He outlined the next steps to the Board: ISBE will bring a working definition to the Board meeting in May, and the Board will move to act in June to establish the framework.

Ms. Morrison asked which one of the indicators will be in place to identify comprehensive schools. Dr. Helfer responded that chronic absenteeism and the student voice portion of the climate survey will be in place in the P-8 portion of the accountability system, in addition to required academic attainment. In grades 9-12, it will be ninth grade on track, chronic absenteeism, and the student voice portion of the climate survey.

Public Inquiry for CPS Special Education Issues Update

Stephanie Jones, general counsel at ISBE, presented the findings of fact for the Public Inquiry into Special Education at Chicago Public Schools to the Board members. She informed the Board that the inquiry's report is also available online. Ms. Jones introduced the members of the public inquiry team, Nancy Krent, Rich Cazzola, and Rupa Ramadurai, and thanked them for their work.

Mitchell Holzrichter asked about the requirement that a division representative must authorize when a student can take the Dynamic Learning Maps (DLM) assessment. Ms. Jones responded that it is a statutory requirement of limitation of students within the entire district can take the DLM, and the method of limitation that CPS implemented was approval by a district representative. Professor Krent responded that there was little in the documentation that suggested that it was an ongoing problem. There was a discussion about the involvement of the district representative.

Mr. Holzrichter asked if it was an issue that what parents/advocates think is in Individualized Education Programs (IEPs) is not being followed, not that an IEP wasn't being followed. There was a discussion about the parental perception of the IEP meetings.

Mr. Holzrichter asked about one of the team's general findings, which was lack of training for CPS special education staff. Professor Krent responded that there were a couple of issues regarding things that changed over time and it was unclear how that information was passed down. It appeared that teams didn't always know or understand why the system wouldn't allow them to submit a certain thing.

Ms. Jones highlighted that the Student Service Management (SSM) system has tremendous capability and that the teams don't want findings in the discrete issues to persuade people that the SSM system is not good.

Superintendent Smith expressed appreciation for the thoughtful and thorough public comment and Board's direction to take up those comments. He recognized Ms. Jones' work to find a process to include as many people as possible and convert findings of fact to change in practice.

CONSENT AGENDA

Approval of Minutes

The State Board of Education approves the minutes for the March 14 Board meeting as amended.

Rules for Initial Review

Part 130 (Determining Special Education per Capita Tuition Charge)

Public Act 100-465, the Evidence-Based Funding (EBF) for Student Success Act, enacted on August 31, 2017, integrated funding for five programs:

- General State Aid
- English Learner Education
- Special Ed Personnel
- Special Ed Funding for Children
- Special Ed Summer School

The Part 130 Special Education Per Capita Tuition rules require modification due to the sunset of the Special Education Personnel program authorized in Section 14-13.01 of the School Code and the accompanying reimbursement amounts for full-time licensed personnel, including paraprofessionals and other nonlicensed personnel (i.e., program aides), as a revenue offset to special education program expenditures.

One of the primary amendments to this Part requires that all full-time licensed personnel, licensed paraprofessionals, and nonlicensed personnel who are included for computation of special education program costs will have their compensation offset using the Special Education Personnel funding each district or cooperative received as part of their base funding minimum at the traditional amounts of \$9,000 and \$3,500, respectively. Additionally, this rulemaking adds the following definitions: building, classroom, contractual services, equipment, and supplies.

The State Board of Education hereby authorizes solicitation of public comment on the proposed rulemaking for Part 130 (Determining Special Education per Capita Tuition Charge), including publication of the proposed amendments in the Illinois Register.

Rules for Approval

Part 203 (Low-Income Students Funds Plan)

This Part is being repealed to align with the enactment of Public Act 100-0465 effective August 31, 2017. Section 18-8.05(H) of the School Code outlined how supplemental general state aid (SGSA) was calculated. School districts that

were eligible for SGSA that had 1,000 or more students in average daily attendance were required to file plans with ISBE in accordance with this Part. PA 100-0465 sunset Section 18-8.05 in its entirety. SGSA is now part of the base funding minimum or hold harmless paid to each district.

The State Board of Education hereby approves the proposed rulemaking for Low-Income Students Funds Plan (Part 203). Further, the Board authorizes the State Superintendent of Education to make any technical and nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Contracts and Grants Over \$1 Million **Renewal of Learning Technology Centers**

The Learning Technology Centers (then known as Learning Technology Hubs) were established in 1996 as seven regional centers (Palatine Community Consolidated School District #15, LaSalle County ROE, Peoria County ROE, Champaign/Ford County ROE, Madison County ROE, Clay/Crawford/Jasper/Lawrence ROE, and the City of Chicago Public Schools #299) and charged with the mission of proactively supporting Illinois public schools by integrating technology and telecommunications in their school improvement plans; helping districts with long-range technology plans; and providing professional development in instructional technology, telecommunications, networking, and distance learning. Additionally, they were charged with helping districts remain current with technology by linking them with initiatives in higher education, libraries, museums, and business. They also helped districts expand their internet connectivity.

Administering this grant through one ROE provides equitable distribution of technology support services statewide and ensures the most efficient operation.

The State Board of Education hereby authorizes the State Superintendent to enter into a one-year intergovernmental agreement (IGA) with the Champaign and Ford Counties Regional Office of Education #9 through June 30, 2019, not to exceed \$1.7 million subject to appropriations. This IGA is for the administration and management of the Illinois Learning Technology Centers.

Renewal Illinois Virtual School

The Illinois Virtual School (IVS) facilitates and coordinates a wide variety of online full-service courses (such as Algebra 1, Middle School Language Arts, Biology, etc.) and credit-recovery courses (such as Geometry, English 1, Chemistry, etc.) that are available to all Illinois schools and are aligned to the Illinois Learning Standards.

ISBE released a Request for Sealed Proposals in 2008 for the administration and management of the IVS to increase the professional development offerings for teachers as well as continue to offer high-quality, standards-based courses for students in grades 5-12. These courses would be taught by highly qualified, Illinois-certified teachers. ROE 48 was the successful bidder.

The State Board of Education hereby authorizes the State Superintendent to enter into a one-year intergovernmental agreement with Peoria County Regional Office of Education #48 through June 30, 2019, not to exceed \$2,403,350, subject to appropriations. This contract is for the administration and management of the Illinois Virtual School.

Illinois Early Childhood Asset Map Intergovernmental Agreement

The Illinois Early Childhood Asset Map project provides a comprehensive picture of early care and education services in Illinois by combining up-to-date demographic information with early childhood program information from state agencies, Head Start, and private sector child care. The website uses sophisticated GIS coding/mapping to locate early childhood programs across multiple sectors of the state.

The State Board of Education hereby authorizes the State Superintendent to enter into an intergovernmental agreement with the Board of Trustees of the University of Illinois for the Illinois Early Childhood Asset Map. The initial term of the contract will begin July 1, 2018, and extend through June 30, 2019. There will be four possible one-year renewals contingent upon sufficient appropriation and satisfactory contractor performance in each preceding contract year. The estimated contract total costs, including renewal, will not exceed \$3,750,000.

Grant with Illinois State University for the National Board Certification Initiative

The National Board for Professional Teaching Standards is an independent, nonprofit, nonpartisan, nongovernmental organization created in 1987 to provide voluntary national certification of teachers who meet rigorous, advanced standards through a series of performance-based assessments. ISU has managed the Illinois National Board for Professional Teaching Standards program since fiscal year 2006. It partners with Illinois National Board Certified Teachers, Regional Offices of Education/Intermediate Service Centers, and school districts in all regions of the state to arrange services to recruit and support candidates in targeted schools and counties.

The State Board of Education hereby authorizes the State Superintendent to award a grant to the National Board Resource Center at Illinois State University for \$1 million for FY 2019 to serve as the fiscal agent for the Illinois Teaching Excellence Program.

Renewal of Intergovernmental Agreement with Illinois State University to Administer the Illinois National Board Professional Preparation and Support System

In 2011, Public Act 097-0607 changed how funding is used for National Board supports. Under the new law, any funds appropriated for the Illinois Teaching Excellence Program must provide monetary assistance and incentives for qualified educators employed by school districts and who have or are in the process of obtaining licensure through the National Board for Professional Teaching Standards. The goal of the program is to improve instruction and student performance.

This contract provides funds for administrative costs to Illinois State University to support the recruitment, training, and mentoring of teachers who are seeking National Board Certification. This work supports the Illinois Teaching Excellence Program grant, which is a line item in the state budget and required by Illinois School Code. The grant awards up to \$1 million to educators who are undergoing the certification process. Illinois State University serves as ISBE's fiscal agent for the grant.

The State Board of Education hereby authorizes the State Superintendent to renew the intergovernmental agreement with the National Board Resource Center at Illinois State University to administer the Illinois National Board Professional Preparation and Support System (subject to appropriation). The IGA will be for \$298,000 in FY 2019 and the total contract will not exceed \$2,862,928.

Renewal of Contract with International Business Machines for ISBE Student Information System Information Technology Support

The ISBE Student Information System (SIS) provides state and federal education entities, the education community, and the public with timely and accurate data collection and reporting for students, schools, school districts, and the State of Illinois. SIS provides secure and appropriate access for applications such as student record inquiry, retrieval, and transfer.

The contractor has met all system support requirements necessary to maintain the operational needs for agency reporting of student information. Additionally, the contractor has met all system upgrades in accordance to key due dates.

The State Board of Education hereby authorizes the State Superintendent to enter into a one-year renewal contract from July 1, 2018, through June 30, 2019, with International Business Machines for the purpose of knowledge transfer and transitioning to a new SIS vendor. The estimated contract renewal cost will not exceed \$1.2 million.

Truants' Alternative and Optional Education Program Grant

Section 2-3.66 of the School Code [105 ILCS 5/2-3.66] authorizes the State Board of Education to provide grants for the establishment of Truants' Alternative and Optional Education Programs (TAEOP). These programs, which serve as part-time or full-time options to regular school attendance, offer modified instructional programs or other services designed to prevent students from dropping out of school. ISBE's allocation for grants in FY 2018 was \$11.5 million. There are currently 27 active grants in Cohort 17 and 28 active grants in Cohort 18. Cohort 17 and Cohort 18 currently consist of school districts, Regional Offices of Education, and charter schools.

The State Board of Education hereby authorizes the State Superintendent to release the TAOEP Request for Proposals (RFPs) and to award successful applicants. The initial term of the grants will begin July 1, 2018, and extend through June 30, 2019. There will be two one-year renewals contingent upon a sufficient appropriation and satisfactory performance in each preceding grant year. The estimated total cost, including cohort renewals, will not exceed \$14.5 million in FY 2019.

Intergovernmental Agreement with Illinois State University Content

The intergovernmental agreement with Illinois State University provides support for the work of 11 content specialists. Content specialists develop and deliver professional learning, instructional resources, and technical assistance aligned to Board goals and the Illinois Learning Standards to administrators and teachers statewide. Content specialists developed and delivered support services to teachers and administrators in districts and at conferences (e.g., Connections Conference, Illinois Association of Title I Directors Conference, ESSA Conference, among others) during FY 2018. ISBE entered into an IGA with ISU on December 13, 2012, to support statewide implementation of the new Illinois Learning Standards for English language arts and math.

The State Board of Education hereby authorizes the State Superintendent to enter into an IGA with Illinois State University for \$2 million for services in FY 2019. The total will not exceed \$8,449,421.89.

Special Education Expenditure and Receipts Report

Section 2-3.145 mandates that ISBE submit to the General Assembly and the Governor an annual report that designates school districts' special education expenditures, receipts, and net special education expenditures. The receipts are to be specified as local, state, and federal. The calculation utilizes data ISBE receives on school districts' Annual Financial Reports and Pupil Transportation Claims and from the Fall Housing Reports/Student Information System and the Funding and Child Tracking System.

The calculations for this report are limited to the data collected by ISBE and are based upon special education student counts compared to total student counts unless actual revenue or expenditures are known. This report should not be perceived as reflecting the exact amount of net special education costs incurred by each school district, but it should be noted that the methodology utilized has been consistent for 11 years. This report is not intended to denote the amount of or type of special education services school districts are providing for their students. However, this report continues to demonstrate the high costs that school districts incur to provide necessary special education services to their

students. The amount of net special education expenditures continues to increase each year.

The State Board of Education hereby authorizes the State Superintendent to forward the Special Education Expenditures and Receipts Report to the General Assembly and Governor by May 1, 2018.

Mr. Settle asked whether these contracts and grants would remain if ISBE's budget request is not appropriated in its entirety. Robert Wolfe, chief financial officer at ISBE, responded that the Board is authorizing the request of award in addition to the RFP and the application; however, the awards will be contingent upon appropriation. He added that while the intergovernmental agreements are planned, nothing will be executed until the appropriation is known. Additionally, the contracts have language that acknowledges they are contingent upon appropriation.

There was a discussion between Ms. Morrison and Mary Reynolds, executive director of Innovation and Secondary Transformation, about whether the agency has done an external evaluation of the Illinois Virtual School. Ms. Morrison asked if there could be a connection between IVS and IL-EMPOWER, to which Ms. Reynolds agreed there was opportunity. Ms. Morrison asked further questions to determine if there was impact data for the school. Ms. Reynolds responded that there has not been an external evaluation conducted but there is a report available online. Ms. Morrison asked a question regarding the difference between the \$2 million spent on content specialists in comparison to the \$5 million paid for specialists to work with IL-EMPOWER.

Mr. Holzrichter moved that the State Board of Education hereby approve the consent agenda with the following changes: March 2018 minutes as amended, removal of the grant agreement for Teach for America, and removal of the approval of the Statewide Single Audit. Lula Ford seconded and the motion passed with a unanimous roll call vote.

**STUDENT
SUCCESS/SCHOOL
QUALITY
INDICATORS**

Dr. Helfer presented on the workgroup recommendations for the Illinois ESSA Plan P-2, 3-8, and College and Career Readiness Student Success and School Quality Indicators. Some indicators will be weighted at zero for a certain amount of years. Dr. Helfer explained that those indicators will not be used in the accountability system, but will be recorded.

Cesilie Price asked a question about school districts that are moving away from GPA, in regard to the definition of "distinguished scholar" for the college and career readiness indicator. Dr. Helfer said that the agency is working on this with the field.

Mr. Holzrichter asked whether students who had participated in accelerated programs could still receive a distinguished scholar classification. He also asked a question about the accountability score of a school that does not have enough students in a particular subcategory. Dr. Helfer responded that any indicator that doesn't meet the required n-size or subgroup would not be a part of the final accountability score.

Ruth Cross expressed her disappointment about the use of grades as part of the accountability score. She felt that it was agreed not to use academic indicators. Ms. Cross was concerned about biased grading.

Dr. Libi Gil responded to Cross's concern by acknowledging that there will be limitations to any indicator. She highlighted the opportunity of grades as mechanism for teacher voice, which was pulled from responses from the field. Additionally, she emphasized the dramatic shift in the accountability system by moving from single measurement of test score.

Superintendent Smith gave an example of the Kindergarten Individual Development Survey as a tool to have a conversation about outcomes. He also addressed the concern of the public commenters that the Board goals are paced too fast for the state by restating the commitment to focus on outcome measures as a way to address equity.

Ms. Cross expressed appreciation for Superintendent Smith and Dr. Gil's comments, but stated that she still had some questions.

Ms. Morrison also indicated concern about the use of letter grades, given the history of encouraging schools to move to a standardized system.

Kevin moved that State Board of Education approves the Superintendent's recommendations for the P-2, 3-8, and College and Career Ready indicators. Chairman Meeks seconded the motion and it passed with a unanimous voice vote.

CUT SCORE RECOMMENDATIONS FOR REDEVELOPED LICENSURE TESTS

Dr. Helfer reported on the cut score recommendations for the redeveloped licensure tests.

Mr. Settle asked a question in response to a recommendation from the State Educator Preparation and Licensure Board that the cut scores be moved one standard deviation lower in order to account for the teacher shortage crisis. Dr. Helfer responded that the same pass rates exist as prior to the redesign. Superintendent Smith confirmed that the pass rates are high, and the redesigned assessment is still targeting a similar pass rate.

Susie moved that the State Board of Education authorizes the State Superintendent to approve the panel-recommended cut scores for the following redeveloped tests: English Language Arts, Mathematics, Social Science: Economics, Social Science: Geography, Social Science: History, Social Science: Political Science, Social Science: Psychology, and Social Science: Sociology and Anthropology. Mitch seconded the motion and it passed with a unanimous voice vote.

DISCUSSION ITEMS

Legislative Update

Sarah Hartwick, co-director of Legislative Affairs at ISBE, provided an update on current legislation in the General Assembly. She reported the licensure bill that ISBE proposed passed out of committee with no opposition. She also stated that ISBE would file a bill related to ESSA that week and provided an update on appropriations discussions in the General Assembly.

Mr. Holzrichter asked a question following up on rule changes that related to physical education that were discussed in March's Board meeting.

There was a discussion about whether the School Code defines acceptable activities to include "school-sponsored" extracurricular activities. Jeff Aranowski, executive director of Safe and Healthy Climate, and Ms. Jones explained how they came to the definition in the rules, including mirroring court processes and consulting with the authors of the bill.

Mr. Holzrichter expressed concern that ISBE felt it needed to be involved. He requested continued updates.

Ms. Cross stated that she understood Mr. Holzrichter's concerns, but did not want school districts to have to resolve which programs to accept and which ones not to accept. She added that it is hard to determine how much physical education a student is getting in an after-school program.

Ms. Cross also asked if the language in HB 4637 – "emotional intelligence" – could be changed to "social-emotional learning," since that was more in line

with educational terminology. Mr. Aranowski responded that ISBE had already raised those concerns.

Superintendent Smith reminded Board members that they could provide feedback on new bills that are in the General Assembly.

Ms. Morrison moved to accept the cut scores for the redeveloped licensure tests. Mr. Holzrichter seconded the motion and it passed with a unanimous voice vote.

Mr. Settle moved to accept the School Quality and Student Success indicators. Chairman Meeks seconded the motion and it passed with a unanimous voice vote.

Budget Update

Mr. Wolfe reported that the tier money for districts was distributed beginning on April 10. He said that ISBE has processed a second round of vouchers, but there is still work to do, including reporting requirements.

He reported that the Illinois Comptroller issued January vouchers on April 18 for Early Childhood and Career and Technical Education. Additionally, the additional \$29 million for English Learners are being processed and payments are being made.

Superintendent Smith commented that this was a continuing process that has required conversations between the General Assembly and ISBE staff.

Chairman Meeks remarked on the importance of Evidence-Based Funding. Ms. Ford stated that she had heard media reports about ISBE and the funding of tier money, including public relations by Chicago Public Schools. Superintendent Smith stated that this has been an agencywide activity.

ANNOUNCEMENTS AND REPORTS

Superintendent/Senior Staff Announcements

Superintendent Smith remarked on the upcoming anniversary of the Columbine school shooting. He highlighted resources for students, families, communities, and districts on ISBE's website, including the page built by the Student Advisory Council for Student Voice.

He also announced the applications for the next Student Advisory Council are due at the end of May and invited students to apply.

Chairman's Report

Chairman Meeks thanked Board members for comments they made in response to an email he sent about a recent Chicago Sun-Times report on the conditions in Chicago Public Schools. He urged the agency to ensure that students attend clean and safe schools.

Superintendent Smith added that ISBE has additional responsibility because it acts as the Regional Office of Education for Chicago Public Schools.

Mr. Aranowski reported on the communication between ISBE and CPS regarding conditions in CPS schools. Since the publication of the Chicago Sun-Times piece, ISBE has received a report from CPS and asked follow-up questions. There is also communication scheduled involving the U.S. Department of Agriculture, ISBE, and CPS. ISBE staff were awaiting additional information.

Ms. Price expressed concern that these problems are created by adults who don't have the best interests of children in mind.

Ms. Ford commented that the issue was privatization.

Ms. Cross commented that it was a systems problem that CPS will have to work through.

Chairman Meeks recommended a Public Inquiry in response to the report.

INFORMATION ITEMS

ISBE Fiscal & Administrative Monthly Reports (*available online at <http://isbe.net/>*)

**MOTION FOR
ADJOURNMENT**

Ruth Cross moved that the meeting be adjourned. Lula Ford seconded the motion and it passed with a unanimous voice vote. The meeting adjourned at 12:37 p.m.

Respectfully Submitted,

Cesilie Price
Board Secretary

Mr. James T. Meeks
Chairman

ILLINOIS STATE BOARD OF EDUCATION MEETING
May 16, 2018

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education *Ans*
Libi Gil, Ph.D., Chief Education Officer *SG*

Agenda Topic: Part 1 (Public Schools Evaluation, Recognition, and Supervision)

Materials: Recommended Rules

Staff Contact(s): Jason Helfer, Ph.D., Deputy Superintendent, Teaching and Learning
Jeffrey Aranowski, Executive Director, Safe and Healthy Climate
Marci Johnson, Director, Curriculum and Instruction
Cara Wiley, Director, Regulatory Support and Wellness
Lindsay M. Bentivegna, Agency Rules and Waiver Coordinator

Purpose of Agenda Item

The Center for Teaching and Learning requests the Board to authorize the State Superintendent to adopt a motion authorizing solicitation of public comment on the proposed amendments.

Relationship to the State Board's Strategic Plan and Implications for the Agency and School Districts

Every child in each public school system in the State of Illinois deserves to attend a system wherein...

- Ninety percent or more of ninth-grade students are on track to graduate with their cohort.
- Ninety percent or more of students graduate from high school ready for college and career.

Background Information

In 1997, ISBE adopted foreign language standards, but did not codify them in administrative rule. The standards are considered "advisory" and do not provide the framework necessary to support Agency goals.

On March 14, 2018, ISBE met with stakeholders consisting of representatives from the Illinois Council on Teaching Foreign Languages and teachers from the field. The stakeholders stated that most districts and colleges have been using the World-Readiness Standards, which support the Seal of Biliteracy and reflect current goals, benchmarks, and proficiencies for language learners.

This rulemaking will replace current standards and formally adopt the national World-Readiness Standards for Learning Languages (World-Readiness Standards) created by the American Council on the Teaching of Foreign Languages (ACTFL) in full without modifications. The World-Readiness Standards focus on competencies in world languages and provide instructors with a broad framework in which to teach students at all levels. The World-Readiness Standards were revised in 2015 and focus on communication, culture, connections, comparisons, and communities.

Analysis and Implications for Policy, Budget, Legislative Action, and Communications

Policy Implications: None.

Budget Implications: None.

Legislative Action: None.

Communication: Please see “Next Steps” below.

Pros and Cons of Various Actions

Pros: The proposed changes will provide clear guidance to world language teachers on how to assess students in a competency-based setting. Fourteen states have either fully adopted or adopted a modified version of the World-Readiness Standards.

Cons: If the World-Readiness Standards are not formally adopted, the agency's rules will be in conflict with certain provisions of the Illinois Administrative Procedure Act, which requires that the policies of state agencies be set forth in administrative rules.

Superintendent’s Recommendation

I recommend that the following motion be adopted

The State Board of Education hereby authorizes solicitation of public comment on the proposed rulemaking for:

Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1),

including publication of the proposed amendments in the *Illinois Register*.

Next Steps

Upon Board authorization, agency staff will submit the proposed amendments to the Administrative Code Division for publication in the *Illinois Register* to elicit public comment. Additional means, such as the *Superintendent’s Weekly Message* and the agency’s website, will be used to inform interested parties of the opportunity to comment on this rulemaking.

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Licensure Information System (ELIS)
- 1.79 School Report Card
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.97 Survey of Learning Conditions
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)

- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- 1.425 Additional Criteria for Physical Education
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed Personnel
- 1.640 Requirements for Different Certificates (Repealed)

- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher

- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B Certification Quick Reference Chart (Repealed)
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the

School Code [105 ILCS 5/2-3.6, 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg.

8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. _____, effective _____.

Section 1.APPENDIX D State Goals for Learning

The State Goals for Learning are broad statements of what students in kindergarten through grade 12 should know and be able to do as a result of their public education. The Illinois Learning Standards provide more specific definition of the essential knowledge and skills desired of Illinois students. The State Assessment and the Illinois Kindergarten Individual Development Survey are designed to measure students' mastery of the Illinois Learning Standards, so that a clear connection will emerge between students' learning and the goals and standards of the State of Illinois.

ENGLISH LANGUAGE ARTS AND LITERACY IN HISTORY/SOCIAL STUDIES, SCIENCE, AND TECHNICAL SUBJECTS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects" (2010) published by the Common Core State Standards Initiative, National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington DC 20001-1512 and posted at <http://www.corestandards.org/the-standards>. No later amendments to or editions of these standards are incorporated by this Section.

MATHEMATICS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for Mathematics" (2010) published by the Common Core State Standards Initiative, National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington DC 20001-1512 and posted at <http://www.corestandards.org/the-standards>. No later amendments to or editions of these standards are incorporated by this Section.

WORLD LANGUAGES

There are no State Goals for Learning in this area. The applicable standards shall be the World-Readiness Standards for Learning Languages. 4th ed. (2015), the National Standards Collaborative Board, 1001 N. Fairfax Street, Suite 200, Alexandria VA 22314 and posted at <https://www.actfl.org/publications/all/world-readiness-standards-learning-languages>. No later amendments to or editions of these standards are incorporated by this Section.

SCIENCE

The science goals and standards set forth below shall be applicable through the 2015-16 school year. Beginning in the 2016-17 school year, there are no State Goals for Learning in this area

and the applicable standards shall be the "Next Generation Science Standards" (2013) published by Achieve, Inc., 1400 16th Street NW, Suite 510, Washington DC 20036 and posted at <http://www.nextgenscience.org/>. No later amendments to or editions of these standards are incorporated by this Section.

State Goal 11: Understand the processes of scientific inquiry and technological design to investigate questions, conduct experiments and solve problems.

Standards:

Know and apply the concepts, principles and processes of scientific inquiry.

Know and apply the concepts, principles and processes of technological design.

State Goal 12: Understand the fundamental concepts, principles and interconnections of the life, physical and earth/space sciences.

Standards:

Know and apply concepts that explain how living things function, adapt and change.

Know and apply concepts that describe how living things interact with each other and with their environment.

Know and apply concepts that describe properties of matter and energy and the interactions between them.

Know and apply concepts that describe force and motion and the principles that explain them.

Know and apply concepts that describe the features and processes of the Earth and its resources.

Know and apply concepts that explain the composition and structure of the universe and Earth's place in it.

State Goal 13: Understand the relationships among science, technology and society in historical and contemporary contexts.

Standards:

Know and apply the accepted practices of science.

Know and apply concepts that describe the interaction between science, technology and society.

SOCIAL SCIENCE

Beginning in the 2017-18 school year, there are no State Goals for Learning in this area and the standards applicable to individual grade levels shall be in effect.

Through the 2016-17 School Year

State Goal 14: Understand political systems, with an emphasis on the United States.

Standards:

Understand and explain basic principles of the United States government.

Understand the structures and functions of the political systems of Illinois, the United States and other nations. (NOTE: Not applicable to kindergarten.)

Understand election processes and responsibilities of citizens.

Understand the roles and influences of individuals and interest groups in the political systems of Illinois, the United States and other nations.

Understand United States foreign policy as it relates to other nations and international issues. (NOTE: Not applicable to kindergarten.)

Understand the development of United States political ideas and traditions. (NOTE: Not applicable to kindergarten.)

State Goal 15: Understand economic systems, with an emphasis on the United States.

Standards:

Understand how different economic systems operate in the exchange, production, distribution and consumption of goods and services.

Understand that scarcity necessitates choices by consumers.

Understand that scarcity necessitates choices by producers. (NOTE: Not applicable to kindergarten.)

Understand trade as an exchange of goods or services.

Understand the impact of government policies and decisions on production and consumption in the economy. (NOTE: Not applicable to kindergarten.)

State Goal 16: Understand events, trends, individuals and movements shaping the history of Illinois, the United States and other nations.

Standards:

Apply the skills of historical analysis and interpretation.

Understand the development of significant political events.

Understand the development of economic systems. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world social history. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world environmental history. (NOTE: Not applicable to kindergarten.)

State Goal 17: Understand world geography and the effects of geography on society, with an emphasis on the United States.

Standards:

Locate, describe and explain places, regions and features on the Earth.

Analyze and explain characteristics and interactions of the Earth's physical systems. (NOTE: Not applicable to kindergarten.)

Understand relationships between geographic factors and society.

Understand the historical significance of geography.

State Goal 18: Understand social systems, with an emphasis on the United States.

Standards:

Compare characteristics of culture as reflected in language, literature, the arts, traditions and institutions.

Understand the roles and interactions of individuals and groups in society.

Understand how social systems form and develop over time. (NOTE: Not

applicable to kindergarten.)

Standards Beginning in the 2017-18 School Year

The Social Science Standards consist of both inquiry standards and disciplinary standards. In implementing the Social Science Standards, the inquiry standards should be used simultaneously with the individual disciplinary standards to ensure both students' comprehension and application of the knowledge and skills acquired.

Inquiry Standards

Kindergarten and Grades 1 and 2

Create questions to help guide inquiry about a topic with guidance from adults and/or peers.

Explore facts from various sources that can be used to answer the developed questions.

Gather information from one or two sources with guidance and support from adults and/or peers.

Evaluate a source by distinguishing between fact and opinion.

Ask and answer questions about arguments and explanations.

Use listening, consensus-building and voting procedures to decide on and take action in the classroom.

Grades 3-5

Develop essential questions and explain the importance of the questions to self and others.

Create supporting questions to help answer the essential questions in an inquiry.

Determine sources representing multiple points of view that will assist in answering the essential questions.

Gather relevant information and distinguish between fact and opinion to determine credibility of multiple sources.

Develop claims using evidence from multiple sources to answer essential questions.

Construct and critique arguments and explanations using reasoning, examples and details from multiple sources.

Identify a range of local problems and some ways in which people are trying to address these problems.

Use listening, consensus-building and voting procedures to decide on and take action in the classroom and school.

Grades 6-8

Create essential questions to help guide inquiry about a topic.

Ask essential and focusing questions that will lead to independent research.

Determine sources representing multiple points of view that will assist in organizing a research plan.

Determine the value of sources by evaluating their relevance and intended use.

Determine the credibility of sources based upon their origin, authority and context.

Gather relevant information from credible sources and determine whether they support each other.

Appropriately cite all the sources used.

Identify evidence from multiple sources to support claims, noting any limitations of the evidence.

Develop claims and counterclaims while pointing out the strengths and limitations of both.

Construct arguments using claims and evidence from multiple sources, while acknowledging the arguments' strengths and limitations.

Construct explanations using reasoning, correct sequencing, examples and details, while acknowledging their strengths and weaknesses.

Present arguments and explanations that would appeal to audiences and venues outside of the classroom, using a variety of media.

Critique the structure and credibility of arguments and explanations (self and others).

Analyze how a problem can manifest itself and the challenges and opportunities faced by those trying to address it.

Assess individual and collective capacities to take action to address problems and identify potential outcomes.

Apply a range of deliberative and democratic procedures to make decisions and take action in schools and community contexts.

Grades 9-12

Address essential questions that reflect an enduring issue in the field.

Explain how supporting questions contribute to inquiry.

Develop new supporting and essential questions through investigation, collaboration and using diverse sources.

Gather and evaluate information from multiple sources while considering the origin, credibility, point of view, authority, structure, context and corroborative value of the sources.

Identify evidence that draws information from multiple sources to revise or strengthen claims.

Construct and evaluate explanations and arguments using multiple sources and relevant, verified information.

Articulate explanations and arguments to a targeted audience in diverse settings.

Use interdisciplinary lenses to analyze the causes and effects of, and identify solutions to, local, regional or global concerns.

Use deliberative processes and apply democratic strategies and procedures to address local, regional or global concerns, and take action in or out of school.

Civics Standards

Kindergarten

Describe roles and responsibilities of people in authority.

Explain the need for and purposes of rules in various settings, inside and outside of the school.

Grade 1

Explain how all people, not just official leaders, play important roles in a community.

Identify and explain how rules function in various settings, inside and outside of the school.

Grade 2

Explain what governments are and some of their functions (e.g., making and enforcing laws, protecting citizens, collecting taxes).

Describe how communities work to accomplish common tasks, establish responsibilities and fulfill roles of authority.

Grade 3

Describe ways in which interactions among families, workplaces, voluntary organizations and government benefit communities.

Explain how groups of people make rules to create responsibilities and protect freedoms.

Compare procedures for making decisions in the classroom, school and community.

Describe how people have tried to improve their communities over time.

Grade 4

Distinguish the responsibilities and powers of government at the local, State and national levels.

Explain how a democracy relies on people's responsible participation, and draw implications for how individuals should participate.

Identify core civic virtues, such as honesty, mutual respect, cooperation and attentiveness to multiple perspectives, and democratic principles, such as equality, freedom, liberty and respect for individual rights, that guide Illinois and the United States.

Explain how rules and laws change society and how people change rules and laws in Illinois.

Grade 5

Distinguish the responsibilities and powers of government officials at various levels and branches of government and in different times and places.

Examine the origins and purposes of rules, laws and key U.S. constitutional provisions.

Compare the origins, functions and structure of different systems of government.

Explain how policies are developed to address public problems.

Grades 6-8

Identify roles played by citizens, for example, voters, jurors, taxpayers, military, protesters and officeholders.

Describe the origins, purposes and impact of constitutions, laws, treaties and international agreements.

Describe the roles of political, civil and economic organizations in shaping people's lives.

Explain the origins, functions and structure of government with reference to the U.S. Constitution, Illinois Constitution and other systems of government.

Evaluate the powers and responsibilities of citizens, political parties, interest groups and the media.

Analyze the powers and limits of governments, public officials and bureaucracies at different levels in the United States and other countries.

Compare the means by which individuals and groups change societies, promote the common good and protect rights.

Explain the connection between interests and perspectives, civic virtues and democratic principles when addressing issues in government and society.

Apply civic virtues and democratic principles in school and community settings.

Compare the means by which individuals and groups change societies, promote the common good and protect rights.

Analyze ideas and principles contained in the founding documents of the United States and other countries, and explain how they influence the social and political system.

Compare the means by which individuals and groups change societies, promote the common good and protect rights.

Critique deliberative processes used by a wide variety of groups in various settings.

Determine whether specific rules and laws (both those that are in effect and proposed) resolve the problems they were meant to address.

Analyze the purposes, implementation and consequences of public policies in historic and contemporary settings.

Develop procedures for making decisions in historic and contemporary settings, such as the school, civil society, or local, state or national government.

Grades 9-12

Distinguish the rights, roles, powers and responsibilities of individuals and institutions in the political system.

Evaluate the opportunities and limitations of participation in elections, voting and the electoral process.

Analyze the impact of constitutions, laws and agreements on the maintenance of order, justice, equality and liberty.

Explain how the U.S. Constitution established a system of government that has powers, responsibilities and limits that have changed over time and are still contested while promoting the common good and protecting rights.

Analyze the impact of personal interest and diverse perspectives on the application of civic dispositions, democratic principles, constitutional rights and human rights.

Describe how political parties, the media and public interest groups both influence and reflect social and political interests.

Describe the concepts and principles that are inherent to American constitutional democracy.

Analyze how individuals use and challenge laws to address a variety of public issues.

Evaluate public policies in terms of intended and unintended outcomes and related consequences.

Explain the role of compromise and deliberation in the legislative process.

Economic Standards

Kindergarten

Explain that choices are made because of scarcity (i.e., because individuals cannot have everything that they want).

Grade 1

Explain and give examples of when choices are made that something else is given up.

Describe the skills and knowledge required to produce certain goods and services.

Explain how people earn pay or income in exchange for work.

Grade 2

Demonstrate how our choices can affect ourselves and others in positive and negative ways.

Explain the role of money in making exchange easier.

Compare the goods and services that people in the local community produce and those that are produced in other communities.

Explain that money can be saved or spent on goods and services.

Grade 3

Compare the goods and services that people in the local community produce and those that are produced in other communities.

Generate examples of the goods and services that governments provide.

Describe the role of banks and other financial institutions in an economy.

Explain that, when people borrow, they receive something of value now and agree to repay the lender over time.

Grade 4

Explain how profits reward and influence sellers.

Describe how goods and services are produced using human, natural and capital resources (e.g., tools, machines).

Analyze how spending choices are influenced by prices, as well as many other factors (e.g., advertising, peer pressure, options).

Explain that income can be saved, spent on goods and services, or used to pay taxes.

Grade 5

Analyze why and how individuals, businesses and nations around the world specialize and trade.

Discover how positive incentives (e.g., sale prices, earning money) and negative consequences (e.g., library fines, parking tickets) influence behavior in the U.S. economy and around the world.

Determine the ways in which government pays for goods and services it provides.

Explain that interest is the price the borrower pays for using someone else's money.

Grades 6-8

Explain how economic decisions affect the well-being of individuals, businesses and society.

Explain how external benefits and costs influence choices.

Evaluate alternative approaches or solutions to current economic issues in terms of benefits and costs for different groups and society as a whole.

Analyze the role of innovation and entrepreneurship in a market economy.

Describe the roles of institutions, such as corporations, non-profit organizations and labor unions, in a market economy.

Explain how changes in supply and demand cause changes in prices and quantities of goods and services, labor, credit and foreign currencies.

Explain why standards of living increase as productivity improves.

Explain barriers to trade and how those barriers influence trade among nations.

Evaluate employment, unemployment, inflation, total production, income and economic growth data and how they affect different groups.

Analyze the relationship among skills, education, jobs and income.

Explain the roles and relationships among savers, borrowers, interest, time and the purposes for saving.

Identify how people choose to buy goods and services while still maintaining a budget based on income, taxes, savings, and fixed and variable expenses.

Explain the correlation among investors, investment options (and associated risks) and income/wealth.

Describe the connection among credit, credit options, interest and credit history.

Analyze the relationship among financial risks and protection, insurance and costs.

Grades 9-12

Analyze how scarcity and incentives influence choices to consume or produce for different individuals and groups.

Use marginal benefits and marginal costs to propose a solution to an economic issue for an individual or community.

Evaluate how much competition exists within and among sellers and buyers in specific markets.

Evaluate the effectiveness of government policies to improve market outcomes, address inequality or reduce inefficiencies.

Analyze the ways in which competition and government regulation influence what is produced and distributed in a market system.

Use data and economic indicators to analyze past and current states of the economy and predict future trends.

Describe how government policies are influenced by and have an impact on a variety of stakeholders.

Analyze how advances in technology and investment in capital goods and human capital affect economic growth and standards of living.

Analyze the role of comparative advantage in global trade of goods and services.

Explain how globalization trends and policies affect social, political and economic conditions in different nations.

Analyze the costs and benefits of various strategies to increase income.

Explain how to make informed financial decisions by collecting information, planning and budgeting.

Explain how time, interest rates and inflation influence saving patterns over a lifetime.

Analyze costs and benefits of different credit and payment options for goods and services, the role of lenders and interest.

Evaluate risks and rates of return of diversified investments.

Analyze the costs and benefits of insurance, including the influences of an individual's characteristics and behavior.

Geography Standards

Kindergarten

Explain how weather, climate and other environmental characteristics affect people's lives.

Identify and explain how people and goods move from place to place.

Grade 1

Construct and interpret maps and other representations to navigate a familiar place.

Grade 2

Construct and interpret maps and other graphic representations of both familiar and unfamiliar places.

Identify some cultural and environmental characteristics of your community and compare to other places.

Explain how people in your community use local and distant environments to meet their daily needs.

Grade 3

Locate major landforms and bodies of water on a map or other representation.

Compare how people modify and adapt to the environment and culture in their community to other places.

Show how the consumption of products connects people to distant places.

Grade 4

Construct and interpret maps of Illinois and the United States using various media.

Analyze how the cultural and environmental characteristics of places in Illinois change over time.

Describe some of the current movements of goods, people, jobs or information to, from or within Illinois, and explain the reasons for the movements.

Grade 5

Investigate how the cultural and environmental characteristics of places within the United States change over time.

Describe how humans have utilized natural resources in the United States.

Compare the environmental characteristics of the United States to other world regions.

Analyze the effects of specific catastrophic and environmental events, as well as technological developments, that have affected the United States and compare those to other places.

Grades 6-8

Use geographic representations (e.g., maps, photographs, satellite images) to explain relationships between the locations (places and regions) and changes in their environment.

Use mapping and graphing to represent and analyze spatial patterns of different environmental and cultural characteristics.

Construct different representations to explain the spatial patterns of cultural and environmental characteristics.

Explain how humans and their environment affect one another.

Compare and contrast the cultural and environmental characteristics of different places or regions.

Evaluate how cultural and economic decisions influence environments and the daily lives of people in both nearby and distant places.

Explain how environmental characteristics affect human migration and settlement.

Explain how changes in transportation and communication influence the spatial connections among human settlements and affect the spread of ideas and culture.

Evaluate the influences of long-term, human-induced environmental change on spatial patterns of conflict and cooperation.

Identify how cultural and environmental characteristics vary among regions of the world.

Explain how global changes in population distribution patterns affect changes in land use.

Analyze how the environmental characteristics of places and production of goods influence patterns of world trade.

Grades 9-12

Use maps (created using geospatial and related technologies, if possible), satellite images and photographs to display and explain the spatial patterns of physical, cultural, political, economic and environmental characteristics.

Use self-collected or pre-existing data sets to generate spatial patterns at multiple scales that can be used to conduct analyses or to take civic action.

Analyze and explain how humans affect and interact with the environment and vice versa.

Evaluate how political and economic decisions have influenced cultural and environmental characteristics of various places and regions.

Analyze how human societies plan for and respond to the consequences of human-made and naturally occurring catastrophes and how these events affect trade, politics and migration.

Analyze how historical events and the diffusion of ideas, technologies and cultural practices have influenced migration patterns and the distribution of the human population.

Evaluate how economic activities and political decisions affect spatial patterns within and among urban, suburban and rural regions.

Evaluate how short- and long-term climate variability affects human migration and settlement patterns, resource use and land uses.

Describe and explain the characteristics that constitute a particular culture.

Explain how and why culture shapes worldview.

Explain how globalization affects the cultural, political, economic and environmental characteristics of a place or region.

Evaluate how competition for scarce natural resources contributes to conflict and cooperation within and among countries.

History Standards

Kindergarten

Compare life in the past to life today.

Explain the significance of the national holidays of the United States, and the heroism and achievements of the people associated with them.

Grade 1

Create a chronological sequence of multiple events.

Describe individuals and groups who have shaped a significant historical change.

Compare perspectives of people in the past to those of people in the present.

Grade 2

Summarize changes that have occurred in the local community over time.

Compare individuals and groups who have shaped a significant historical change.

Explain how different kinds of historical sources, such as written documents, objects, artistic works and oral accounts, can be used to study the past.

Grade 3

Create and use a chronological sequence of events.

Describe how significant people, events and developments have shaped students' own community and region.

Identify artifacts and documents as either primary or secondary sources of historical data from which historical accounts are constructed.

Grade 4

Explain connections among historical contexts and why individuals and groups differed in their perspectives during the same historical period.

Using artifacts and primary sources, investigate how individuals contributed to the founding and development of Illinois.

Explain probable causes and effects of events and developments in Illinois history.

Grade 5

Create and use a chronological sequence of related events to compare developments that happened at the same time.

Use information about a historical source, including the maker, date, place of origin, intended audience and purpose, to judge the extent to which the source is useful for studying a particular topic.

Explain probable causes and effects of events and developments in U.S. history.

Grades 6-8

Classify a series of historical events and developments as examples of change and/or continuity.

Analyze connections among events and developments in broader historical contexts.

Use questions generated about individuals and groups to analyze why they, and the developments they shaped, are seen as historically significant.

Explain how and why perspectives of people have changed over time.

Analyze multiple factors that influenced the perspectives of people during different historical eras.

Analyze how people's perspectives influenced what information is available in the historical sources they created.

Classify the kinds of historical sources used in a secondary interpretation.

Detect possible limitations in the historical record based on evidence collected from different kinds of historical sources.

Analyze how people's perspectives influenced what information is available in the historical sources they created. Use other historical sources to infer a plausible maker, date, place of origin and intended audience for historical sources when this information is not easily identified.

Explain multiple causes and effects of historical events.

Compare the central historical arguments in secondary works across multiple media.

Organize applicable evidence into a coherent argument about the past.

Grades 9-12

Evaluate how historical developments were shaped by time and place, as well as broader historical contexts.

Analyze change and continuity within and across historical eras.

Evaluate the methods used by people and institutions to promote change.

Analyze how people and institutions have reacted to environmental, scientific and technological challenges.

Analyze the factors and historical context that influenced the perspectives of people during different historical eras.

Analyze the concept and pursuit of the "American Dream".

Identify the role of individuals, groups and institutions in people's struggle for safety, freedom, equality and justice.

Analyze key historical events and contributions of individuals through a variety of perspectives, including those of historically underrepresented groups.

Analyze the relationship between historical sources and the secondary interpretations made from them.

Analyze the causes and effects of global conflicts and economic crises.

Analyze multiple and complex causes and effects of events in the past.

Analyze the geographic and cultural forces that have resulted in conflict and cooperation.

Standards for Anthropology, Psychology and Sociology Apply to Grades 9-12 Only

Anthropology Standards

Analyze the elements of culture and explain the factors that shape these elements differently around the world.

Explain how cultures develop and vary in response to their physical and social environment, including local, national, regional and global patterns.

Explain why anthropologists study culture from a holistic perspective.

Evaluate one's own cultural assumptions using anthropological concepts.

Apply anthropological concepts and anthropological knowledge to a variety of everyday, real-world situations.

Explain how local actions can have global consequences and how global patterns and processes can affect seemingly unrelated local actions.

Psychology Standards

Identify scientific methodologies utilized in psychological research.

Evaluate the conclusions made by psychological research, including ethical concerns.

Understand a variety of psychological perspectives and apply their concepts and theoretical ideas to the investigation of similarities and differences in behavior and mental processes.

Analyze how biological, psychological and sociocultural factors and their interactions influence individuals' behavior and mental processes.

Evaluate the complexities of human thought and behavior, as well as the factors related to the individual differences among people.

Identify and apply psychological thinking to personal and societal experiences and issues.

Apply psychological knowledge to one's daily life.

Use appropriate psychological terminology with reference to psychologists and their experiments and theories in order to explain the possible causes of and impact on behavior and mental processes.

Sociology Standards

Identify and apply the sociological perspective and a variety of sociological theories.

Analyze the impact of social structure, including culture, institutions and societies.

Hypothesize how primary agents of socialization influence the individual.

Describe the impact of social relationships on the self, groups and socialization processes.

Explain the social construction of self and groups and their impact on the life changes of individuals.

Analyze the impact of stratification and inequality on groups and the individuals within them.

PHYSICAL DEVELOPMENT AND HEALTH

State Goal 19: Acquire movement and motor skills and understand concepts necessary to engage

in moderate to vigorous physical activity.

Standards:

Demonstrate physical competency in a variety of motor skills and movement patterns.

Analyze various movement concepts and applications.

Demonstrate knowledge of rules, safety and strategies during physical activity.

State Goal 20: Achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.

Standards:

Know and apply the principles and components of health-related and skill-related fitness as applied to learning and performance of physical activities.

Assess individual fitness levels.

Set goals based on fitness data and develop, implement and monitor an individual fitness improvement plan.

State Goal 21: Develop skills necessary to become a successful member of a team by working with others through physical activity.

Standards:

Demonstrate personal responsibility during group physical activities.

Demonstrate cooperative skills during structured group physical activity.

State Goal 22: Understand principles of health promotion and the prevention and treatment of illness and injury.

Standards:

Explain the basic principles of health promotion, illness prevention and safety, including how to access valid information, products and services.

Describe and explain the factors that influence health among individuals, groups and communities.

Explain how the environment can affect health.

Describe how to advocate for the health of individuals, families and communities.

State Goal 23: Understand human body systems and factors that influence growth and development.

Standards:

Describe and explain the structure and functions of the human body systems and how they interrelate.

Explain the effects of health-related actions on the body systems.

Describe factors that affect growth and development.

Describe and explain the structures and functions of the brain and how they are affected by different types of physical activity and levels of fitness.

State Goal 24: Promote and enhance health and well-being through the use of effective communication and decision-making skills.

Standards:

Demonstrate procedures for communicating in positive ways, resolving differences and preventing conflict.

Apply decision-making skills related to the protection and promotion of individual, family and community health.

Demonstrate skills essential to enhancing health and avoiding dangerous situations.

FINE ARTS

The fine arts goals and standards set forth below shall be applicable through the 2017-18 school year.

State Goal 25: Know the language of the arts.

Standards:

Understand the sensory elements, organizational principles and expressive qualities of the arts.

Understand the similarities, distinctions and connections in and among the arts.

State Goal 26: Through creating and performing, understand how works of art are produced.

Standards:

Understand processes, traditional tools and modern technologies used in the arts.

Apply skills and knowledge necessary to create and perform in one or more of the arts.

State Goal 27: Understand the role of the arts in civilizations, past and present.

Standards:

Analyze how the arts function in history, society and everyday life. (NOTE: Not applicable to kindergarten.)

Understand how the arts shape and reflect history, society and everyday life. (NOTE: Not applicable to kindergarten.)

Beginning in the 2018-19 school year, there are no State Goals for Learning in this area and the standards set forth below shall apply.

Discipline: Visual Arts

Process: Creating – Investigate, Plan, Make

Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understandings

Creativity and innovative thinking are essential life skills that can be developed.

Artists and designers shape artistic investigations, following or breaking with traditions in pursuit of creative art-making goals.

Process: Creating – Investigate

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understandings

Artists and designers experiment with forms, structures, materials, concepts, media and art-making approaches.

Artists and designers balance experimentation and safety, freedom and responsibility while developing and creating artworks.

People create and interact with objects, places and designs that define, shape, enhance and empower their lives.

Process: Creating – Reflect, Refine, Continue

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

Artists and designers develop excellence through practice and constructive critique, reflecting on, revising and refining work over time.

Process: Presenting – Select

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

Enduring Understanding

Artists and other presenters consider various technologies, methods, venues and criteria when analyzing, selecting and curating objects, artifacts and artworks for preservation and presentation.

Process: Presenting – Analyze

Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

Artists, curators and others consider a variety of factors and methods, including evolving techniques, when preparing and refining artwork for display or when deciding if and how to preserve and protect artwork.

Process: Presenting – Share

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

Objects, artifacts and artworks collected, preserved or presented by artists, museums or other venues communicate meaning and a record of social, cultural and political experiences, resulting in the cultivation of appreciation and understanding.

Process: Responding – Perceive

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understandings

Individual aesthetic and empathic awareness developed through engagement with art can lead to understanding and appreciation of self, others, the natural world and constructed environments.

Visual imagery influences understanding of and responses to the world.

Process: Responding – Analyze

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

People gain insights into meanings of artworks by engaging in the process of art criticism.

Process: Responding – Interpret

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

People evaluate art based on various criteria.

Process: Connecting – Synthesize

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

Through art-making, people make meaning by investigating and developing awareness of perceptions, knowledge and experiences.

Process: Connecting – Relate

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

People develop ideas and understandings of society, culture and history through their interactions with and analysis of art.

Discipline: Music

Process: Creating – Investigate, Plan, Make

Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understanding

The creative ideas, concepts and feelings that influence musicians' work emerge from a variety of sources.

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understanding

Creative choices are influenced by one's expertise, context and expressive intent.

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

People evaluate and refine their work through openness to new ideas, persistence and the application of the appropriate criteria.

Process: Performing

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

Enduring Understanding

Performers' interest in and knowledge of musical works, context for performance and understanding of their own musicianship influence the selection of repertoire.

Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

To express their musical idea, performers analyze, evaluate and refine their performance over time through openness to new ideas, persistence and the application of appropriate criteria.

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

Performers judge performance based on criteria that vary across time, place and cultures. The context and how a work is presented influence the audience response.

Process: Responding

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understanding

Individuals choose music based on their interests, experiences, musical understanding and the musical work's purpose.

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

Through their use of elements and structures of music, creators and performers provide clues to their expressive intent.

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

The personal evaluation of musical works and performances is informed by analysis, interpretation, and teacher- or student-established criteria.

Process: Connecting

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

Performers connect their personal interests, experiences, ideas and knowledge to creating, performing and responding.

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

Understanding connections to varied contexts and daily life enhances one's creating, performing and responding.

Discipline: Dance

Process: Creating – Explore

Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understanding

Choreographers use a variety of sources as inspiration and transform concepts and ideas into movement for artistic expression.

Process: Creating – Plan

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understanding

The elements of dance, dance structures and choreographic devices serve as both a foundation and a departure point for choreographers.

Process: Creating – Revise

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

Choreographers analyze, evaluate, refine and document their work to communicate meaning.

Process: Performing – Express

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

Enduring Understanding

Body, space, time and energy are the basic elements of dance.

Process: Performing – Embody

Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

Dancers use the mind-body connection and develop the body as an instrument for artistry and artistic expression.

Process: Performing – Present

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

Dance performance is an interaction among choreographer, performer, production elements and audience that heightens and amplifies artistic intention.

Process: Responding – Analyze

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understanding

Dance is perceived and analyzed to comprehend its meaning.

Process: Responding – Interpret

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

Dance is interpreted by considering intent, meaning and artistic expression as communicated through the use of the body, elements of dance, dance technique, dance structure and context.

Process: Responding – Critique

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

Criteria for evaluating dance vary across genres, styles and cultures.

Process: Connecting – Synthesize

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

Personal experiences, knowledge and contexts are integrated and synthesized to interpret meaning in dance.

Process: Connecting – Relate

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

Dance literacy includes deep knowledge and perspectives about societal, cultural, historical and community contexts.

Discipline: Theater

Process: Creating – Envision, Conceptualize

Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understanding

Theater artists rely on intuition, curiosity and critical inquiry.

Process: Creating – Develop

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understanding

Theater artists work to discover different ways of communicating meaning.

Process: Creating – Rehearse

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

Theater artists refine their work and practice their craft through rehearsal.

Process: Performing – Select

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

Enduring Understanding

Theater artists make strong choices to convey meaning effectively.

Process: Performing – Prepare

Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

Theater artists develop personal processes and skills for a performance or design.

Process: Performing – Share, Present

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

Theater artists share and present stories, ideas and envisioned worlds to explore human experience.

Process: Responding – Reflect

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understanding

Theater artists reflect to understand the impact of drama processes and theater experiences.

Process: Responding – Interpret

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

Theater artists' interpretations of drama/theater work are influenced by personal experiences and aesthetics.

Process: Responding – Evaluate

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

Theater artists apply criteria to investigate, explore and assess drama and theater work.

Process: Connecting – Empathize

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

Theater artists allow awareness of interrelationships between self and others to influence and inform their work.

Process: Connecting – Interrelate, Research

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

Theater artists understand and can communicate their creative process as they analyze the way the world may be understood.

Theater artists critically inquire into the ways others have thought about and created drama processes and productions to inform their own work.

Discipline: Media Arts

Process: Creating – Conceive

Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understanding

Media arts ideas, works and processes are shaped by the imagination, creative processes and experiences, both within and outside the arts.

Process: Creating – Develop

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understanding

Media artists plan, organize and develop creative ideas, plans and models into process structures that can effectively realize the artistic idea.

Process: Creating – Construct

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

Media artists develop excellence through practice and constructive critique, reflecting on, revising and refining work over time.

Process: Producing – Integrate

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

Enduring Understanding

Media artists make choices about how and to whom their work is presented.

Process: Producing – Practice

Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

Media artists require a range of skills and abilities to creatively solve problems within and through media arts productions.

Process: Producing – Present

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

Media artists purposefully present, share and distribute media artworks for various contexts.

Process: Responding – Perceive

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understanding

Media artworks can be appreciated and interpreted through analyzing their components.

Process: Responding – Interpret

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

Interpretation and appreciation require engagement with the content, form and context of media artworks.

Process: Responding – Evaluate

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

Skillful evaluation and critique are critical components of experiencing, appreciating and producing media artworks.

Process: Connecting – Synthesize

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

Personal and cultural experiences affect and are affected by how media artworks are made and interpreted.

Process: Connecting – Relate

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

Media artworks and ideas are better understood and produced by relating them to their purposes, values and various contexts.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION MEETING
May 16, 2018

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education *Ans*
Libi Gil, Ph.D., Chief Education Officer *SL*
Melissa Oller, Chief Operating & Professional Capital Officer *MO*

Agenda Topic: Renewal of Intergovernmental Agreement for
Illinois Interactive Report Card

Materials: None

Staff Contact(s): Mary Reynolds, Executive Director of Innovation and Secondary
Transformation
Patrick Payne, Director of Data Strategies and Analytics
John Shake, Director of Information Technology

Purpose of Agenda Item

The Information Technology Division and Center for Teaching and Learning request that the Board authorize the State Superintendent to enter into an intergovernmental agreement (IGA) with Northern Illinois University (NIU) for the continued hosting, development, enhancement, maintenance, and support of the Illinois Report Card and My Illinois Interactive Report Card (My IIRC) for fiscal year 2019 in an amount not to exceed \$1.75 million.

Relationship to the State Board's Strategic Plan and Implications for the Agency and School Districts

This IGA will support the following Board goals:

Every child in each public school system in the State of Illinois deserves to attend a system wherein...

- All kindergartners are assessed for readiness.
- Ninety percent or more of third-grade students are reading at or above grade level.
- Ninety percent or more of fifth-grade students meet or exceed expectations in mathematics.
- Ninety percent or more of ninth-grade students are on track to graduate with their cohort.
- Ninety percent or more of students graduate from high school ready for college and career.
- All students are supported by highly prepared and effective teachers and school leaders.
- Every school offers a safe and healthy learning environment for all students.

Background Information

NIU and the Illinois State Board of Education collaborated in 2004 to design and implement an innovative website that provides the public with an array of informational tools to support district and school improvement in Illinois. The Illinois Report Card and My IIRC has included the following over the years:

- Publicly accessible Interactive School and District Report Cards;

- Individual student data reports;
- Rising Star, the platform available for district and school continuous improvement planning and;
- The 21st Century Community Learning Centers (21st CCLC) benchmarking tool.

The Education Commission of the States recognized the Illinois Report Card in 2014 as the top school/district report card in the nation. The Illinois Report Card and My IIRC are located at www.illinoisreportcard.com.

The scope of work for FY 2019 consists of:

Public Illinois Report Card

- Maintenance of the Illinois Report Card environment in ISBE Report Card data mart using 2017 Report Card data
- Implement/refresh website features to reflect 2018 enhancements (e.g., Capacity to Meet Expectations, Summative Designations)
- Implement new required 2018 metrics
 - Every Student Succeeds Act (ESSA) accountability school quality measures for P-8 and high school
 - Detailed special education reports
 - Enhanced PARCC, ACCESS, DLM-AA reports
 - Career and technical education subject area reports (currently under development)
 - Demographic-level reports for freshmen on track, college readiness, post-secondary enrollment/remediation (currently under development)
 - Former English Learner students subgroup performance report
 - Former Individualized Education Program students subgroup performance report
 - Site-based expenditure reporting
 - Additional enhancements as determined by ISBE that may include:
 - Add the Seal for Early Childhood
 - Add Seal of Biliteracy
 - ESSA compliance – color coding for equity gaps, data visualization, subgroups
 - Add foster care, military children, and homeless
- Redesign of the school, district, and state landing pages
- At-a-Glance redesign (to potentially replace the Report Card PDF)
- Detailed summative designation reports for districts and schools in My IIRC
- Manage customer support help desk

21st CCLC

- Implement student/program performance reports (overall and grade-cluster)
- Install ISBE 21st CCLC data environment for review and submission to U.S. Department of Education
- Build out ISBE 21st CCLC benchmark site functionality for grants and sites review
- Provide integrated PARCC and SAT data to the ISBE Data Warehouse

ILDS / Ed360

- School quality indicators
- School success indicators
- Career readiness indicators
- Customer support help desk for local assessments
- Professional development support for Ed360, IRC, and student data reports

Maintenance for Existing Features

- Maintain available Rising Star tools in present form as a bridge to Education 360, ISBE's instructional support platform
- Maintain school highlights, 5Essential Survey discussion screen, Principal Entry Form, Report Card preview features pending transition to ISBE Report Card data mart
- Maintain ongoing My IIRC access/functionality for current tools

IL-EMPOWER Support Web Tools

Build out web services support tools for IL-EMPOWER initiative

Financial Background

ISBE entered into an intergovernmental agreement with Northern Illinois University on June 29, 2012, to provide interactive school and district report cards, individual student data reports, and school and district ePlans.

The contract was amended on February 4, 2013, to add the refinement and maintenance of the My IIRC and to include the support of the benchmarking tool used by 21st CCLC grantees.

NIU was awarded a Request for Sealed Proposals in June 2014 to administer the Illinois Report Card.

NIU was responsible for a scope of work that included two main components: (1) support and maintenance of the Illinois Report Card (which includes hosting the Online Report Card website and producing At-a-Glance Report Cards for all schools and districts) and (2) designing and implementing enhancements to both the Online and At-a-Glance Report Cards.

The NIU agreements were consolidated into one agreement in 2017 to cover the maintenance and enhancement of My IIRC and the Illinois Report Card.

The financial background of this contract/grant is illustrated in the table below. Additional financial history can be provided upon request.

	Current Contract State Funding	Current Contract Federal Funding		Requested Additional State Funding	Requested Additional Federal Funding	Total Contract per Fiscal Year
FY17	\$729,392	\$1,015,197				\$1,744,589
FY18	\$750,000	\$1,000,000				\$1,750,000
FY19				\$750,000	\$1,000,000	\$1,750,000
Total	\$1,479,392	\$2,015,197		\$750,000	\$1,000,000	\$5,244,589

Business Enterprise Program (BEP)

IGAs are exempt from the agency's BEP goal.

Analysis and Implications for Policy, Budget, Legislative Action, and Communications

Policy Implications: none

Budget Implications: Funds from Title I Administrative and School Improvement, Special Education IDEA, 21st Century Community Learning Center Administrative, Assessment, and State General Revenue Funds will be used.

Legislative Action: None.

Communication: None.

Pros and Cons of Various Actions

Pros: District and school continuous improvement planners will be able to submit reports and comply with federal and state accountability requirements without any interruption of services.

Cons: There will be an interruption of services and preparation for the implementation of ESSA requirements will be hindered if this agreement is not renewed.

Superintendent's Recommendation

I recommend that the following motion be adopted:

The State Board of Education hereby authorizes the State Superintendent to enter into an intergovernmental agreement with Northern Illinois University for the continued hosting, development, enhancement, maintenance, and support of the Illinois Report Card and the My Illinois Interactive Report Card for fiscal year 2018 in an amount not to exceed \$1.75 million.

Next Steps

Upon Board authorization, agency staff will enter into an intergovernmental agreement with Northern Illinois University.

ILLINOIS STATE BOARD OF EDUCATION MEETING
May 16, 2018

TO: Illinois State Board of Education

FROM: Tony Smith Ph.D., State Superintendent of Education *Ans*
Tassi Maton, Chief Internal Auditor *gm*

Agenda Topic: Presentation of FY 2017 Statewide Single Audit Report

Materials: FY 2017 Statewide Single Audit Report (sent under separate cover)

Purpose of Agenda Item

The Internal Audit Division requests the Board accept the FY 2017 Statewide Single Audit Report, as it relates to reported ISBE findings detailed on pages 148–164.

Relationship to State Board's Strategic Plan and Implications for the Agency and School Districts

The acceptance of this report confirms the Board's continued efforts to ensure compliance with federal rules and regulations which are required to support the achievement of all goals identified in the Board's strategic plan.

Background Information

The Auditor General annually conducts a Statewide Single Audit of all major programs (FY 2017 threshold for Type A major programs was \$41,258,459 in expenditures), as required by the Federal Single Audit Act. The primary focus of this audit is to determine compliance with federal program and administrative requirements and the adequacy of internal controls to ensure such compliance and accuracy of reporting.

Analysis and Implications for Legislative Action and Communications

Legislative Action: This audit will be reviewed by the Legislative Audit Commission.

Communication: The audit is issued by the Auditor General and is available to the public. Findings are sent to the office of the federal agency responsible for the subject program by the Auditor General. The federal agency may request additional information regarding the adequacy and status of the corrective action plan or direct ISBE to take additional corrective actions. Upon resolution, the responsible federal agency will issue a program determination letter noting the finding is resolved and closed.

Superintendent's Recommendation

I recommend that the following motion be adopted:

The State Board of Education hereby accepts the Office of the Auditor General's State of Illinois Single Audit Report for the Year Ended June 30, 2017 as it relates to ISBE.

Next Steps

No further actions necessary.



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MEMORANDUM

**TO: THE ILLINOIS STATE BOARD OF EDUCATION
SUPERINTENDENT TONY SMITH, PH.D.**

**FROM: STEPHANIE JONES, GENERAL COUNSEL
HEATHER CALOMESE, EXECUTIVE DIRECTOR SPECIAL EDUCATION SERVICES**

**RE: CORRECTIVE ACTION AND RECOMMENDATIONS STEMMING FROM THE PUBLIC
INQUIRY INTO SPECIAL EDUCATION POLICIES AT CHICAGO PUBLIC SCHOOLS**

DATE: MAY 16, 2018

I. INTRODUCTION

At the Illinois State Board of Education ("ISBE") meeting in November of 2017, a number of special education advocates filed a complaint with ISBE regarding alleged systemic violations of the *Individuals with Disabilities Education Act of 2001* and its implementing regulations against the Chicago Public School ("CPS") System pursuant to 23 IAC 226.570. The advocates articulated a systemic complaint of noncompliance. The Department of Education defines a systemic complaint of noncompliance as a complaint that alleges that a public agency has a policy, procedure, or practice applicable to a group of children that is inconsistent with IDEA Part B and its implementing regulations¹.

Following the November 2017 Board meeting, the ISBE directed a Public Inquiry in order to develop factual findings regarding the complaint filed by the advocates. Those factual findings were reported to the Board at the April 2018 ISBE meeting by General Counsel Stephanie Jones. The Public Inquiry Team issued factual findings that support that CPS engaged in policy, procedure or practice applicable to a group of children that is inconsistent with IDEA Part B and its implementing regulations. Following the report of the findings, Ms. Jones indicated that she and ISBE Executive Director for Special Education Heather Calomese would present recommendations stemming out of the Public Inquiry fact finding process at the May 16, 2018, ISBE meeting.

In the intervening time, Ms. Jones and Ms. Calomese met with and discussed the findings and a range of possible corrective action recommendations with CPS, representatives from the

¹ See, OSEP Memo 13-08, July 23, 2013, Memorandum to Chief State School Officers Regarding Dispute Resolution Procedures under Part B of the Individuals with Disabilities Education Act, page 20.



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Advocates who brought the initial complaints to ISBE's attention at the November 2017 Board meeting, representatives from the Chicago's Teacher's Union, the Assistant Secretary for the Department of Education's Office of Special Educations and Rehabilitative Services ("OSERS"), our state contact for the Department of Education's Office of Special Education Programs ("OSEP"), and our counterparts at other State Educational Agencies that have developed corrective action plans for large urban school districts. As the result of our review of the findings, thoughtful consideration of the input we received and consideration of the need to take action that can create sustained and positive change in CPS's system of special education, we have developed a series of recommendations and corrective actions for ISBE's consideration.

This recommendation does not exhaust the technical assistance ISBE may provide to CPS in order to implement the corrective action necessary to change the culture in Special Education at CPS. ISBE may provide additional training, programmatic support, grants or other technical assistance to ensure that CPS makes necessary reforms and to ensure that students, parents and families have the resources they need to guarantee they receive appropriate services and supports.

II. RECOMMENDED VIOLATIONS IDENTIFIED BY PUBLIC INQUIRY FINDINGS

Based upon their review of the factual findings made by the Public Inquiry Team, the Office of the General Counsel and the Divisions of Special Education Services recommends that the ISBE find that CPS engaged in policy, procedure and practice inconsistent with IDEA Part B and its implementing regulations. Specifically, we recommend the adoption of the following findings directly related to the four issued investigated by the Inquiry Team. The facts supporting these findings are those set forth by the Inquiry Team in its April 18th report and are incorporated herein by reference.

- A. ISBE finds that the way in which CPS used its electronic Individual Education Plan system, known as the SSM System, was not consistent with IDEA Part B and its Implementing Regulations in violation of:
- a. 34 CFR 300.101 (FAPE)
 - b. 34 CFR 300.114 (Least Restrictive Environment)
 - c. 34 CFR 300.116 (Placements)
 - d. 34 CFR 300.307 through 300.310 (Specific Learning Disabilities)
 - e. 34 CFR 300.320 (Definition of Individual Education Program)
 - f. 34 CFR 300.321 (IEP Team)
 - g. 34 CFR 300.322 (Parent Participation)
 - h. 34 CFR 300.324 (Development, Review, and Revision of IEP)
 - i. 34 CFR 300.325 (Private School Placements by Public Agencies)
 - j. 34 CFR 300.327 (Educational Placements)



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- k. 34 CFR 300.501 (Opportunity to Examine Records, Parent Participation in Meetings)
 - l. 23 IAC 226.130 (Additional Procedures for Students Suspected of Having Specific Learning Disability)
 - m. 23 IAC 226.210 (IEP Team)
 - n. 23 IAC 226.220 (Development, Review and Revision of the IEP)
 - o. 23 IAC 226.230 (Content of the IEP)
 - p. 23 IAC 226.310 (Related Services)
 - q. 23 IAC 226.530 (Parents' Participation)
- B. ISBE finds that the documentation and data collection requirements were not consistent with IDEA Part B and its Implementing Regulations, in violation of:
 - a. 34 CFR 300.101 (FAPE)
 - b. 34 CFR 300.114 (Least Restrictive Environment)
 - c. 34 CFR 300.116 (Placements)
 - d. 34 CFR 300.307 through 300.310 (Specific Learning Disabilities)
 - e. 34 CFR 300.320 (Definition of Individual Education Program)
 - f. 34 CFR 300.321 (IEP Team)
 - g. 34 CFR 300.322 (Parent Participation)
 - h. 34 CFR 300.324 (Development, Review, and Revision of IEP)
 - i. 34 CFR 300.325 (Private School Placements by Public Agencies)
 - j. 34 CFR 300.327 (Educational Placements)
 - k. 34 CFR 300.501 (Opportunity to Examine Records, Parent Participation in Meetings)
 - 23 IAC 226.130 (Additional Procedures for Students Suspected of Having Specific Learning Disability)
 - l. 23 IAC 226.210 (IEP Team)
 - m. 23 IAC 226.220 (Development, Review and Revision of the IEP)
 - n. 23 IAC 226.230 (Content of the IEP)
 - o. 23 IAC 226.310 (Related Services)
 - p. 23 IAC 226.530 (Parents' Participation)
- C. ISBE finds that the budgeting and appeals process were not consistent with IDEA Part B and its implementing regulations, in violation of:
 - a. 34 CFR 300.101 (FAPE)
 - b. 34 CFR 300.114 (Least Restrictive Environment)
 - c. 34 CFR 300.116 (Placements)
 - d. 34 CFR 300.322 (Parent Participation)
 - e. 34 CFR 300.324 (Development, Review, and Revision of IEP)
 - f. 34 CFR 300.325 (Private School Placements by Public Agencies)
 - g. 34 CFR 300.327 (Educational Placements)



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- h. 34 CFR 300.501 (Opportunity to Examine Records, Parent Participation in Meetings)
 - i. 23 IAC 226.220 (Development, Review and Revision of the IEP)
 - j. 23 IAC 226.230 (Content of the IEP)
 - k. 23 IAC 226.310 (Related Services)
 - l. 23 IAC 226.530 (Parents' Participation)
- D. ISBE finds that the way in which CPS managed transportation was not consistent with IDEA Part B and its implementing regulations, in violation of:
 - a. 34 CFR 300.101 (FAPE)
 - b. 34 CFR 300.114 (Least Restrictive Environment)
 - c. 34 CFR 300.116 (Placements)
 - d. 34 CFR 300.321 (IEP Team)
 - e. 34 CFR 300.322 (Parent Participation)
 - f. 34 CFR 300.324 (Development, Review, and Revision of IEP)
 - g. 34 CFR 300.501 (Opportunity to Examine Records, Parent Participation in Meetings)
 - h. 23 IAC 226.130 (Additional Procedures for Students Suspected of Having Specific Learning Disability)
 - i. 23 IAC 226.210 (IEP Team)
 - j. 23 IAC 226.220 (Development, Review and Revision of the IEP)
 - k. 23 IAC 226.230 (Content of the IEP)
 - l. 23 IAC 226.310 (Related Services)
 - m. 23 IAC 226.530 (Parents' Participation)

III. CORRECTIVE ACTION AND RECOMMENDATIONS

A. ISBE Appointed Monitor

ISBE Requirement: ISBE will appoint a monitor² to implement the provisions of corrective action and recommendations adopted by ISBE. ISBE will employ and be responsible for the salary for the monitor. The monitor will serve as the liaison for special education between ISBE and CPS and will coordinate ISBE staff to support the compliance and technical assistance activities within CPS. The placement of the monitor at CPS will be evaluated after three school years, at which time ISBE will determine the necessity of the monitor going forward.

Essential Corrective Actions:

² Until a monitor is identified, ISBE's General Counsel and ISBE's Director of Special Education will fulfill the role of the monitor and/or appoint staff to fulfill the role.



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1. CPS will fully cooperate with the Monitor appointed by ISBE, providing the Monitor with timely notice of meetings, requested data, and other information related to the implementation of this plan or Federal and State law governing special education.
2. The ISBE Monitor will have access to the SSM system in order to independently monitor IEP's throughout the school year. CPS will provide the monitor with such access.
3. CPS will seek approval from the Monitor prior to changing or adopting policies and procedures regarding special education, including any changes to its Procedural Manual.
4. CPS will provide the Monitor with dates for all trainings related to special education and allow the Monitor or designee to attend and/or participate in the trainings.
5. CPS will invite the Monitor to all meetings of the Parent Advisory Committee.
6. CPS will invite the Monitor to all meetings with the Advocates when issues of Policy or Procedures are discussed.
7. The monitor will be accessible to CPS staff for the purpose of raising concerns or filing complaints against CPS. Staff who report concerns to the monitor shall not suffer retaliation.
8. ISBE and the Monitor will have the authority to provide Technical Assistance or additional corrective action if CPS does not fully implement this plan and take other affirmative actions to change the policies, procedures and practices that are inconsistent with IDEA Part B.
9. ISBE and the Monitor will publish reports on the ISBE website on an annual basis which review the status of the Corrective Action Plan, outline activities undertaken in the previous year and set forth activities planned for the upcoming year. The reports will be published as long as the ISBE Monitor is in place.

B. IEP Meetings

ISBE Requirement: ISBE expects that the members of the IEP team required to make a decision will be present at every IEP meeting, unless parents sign an excusal for their attendance. These team members include at least one special education teacher, one general education teacher, related service providers relevant to the student's IEP, and a person with



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the authority to bind the school district (the LEA rep). If the District Representative or Principal is the LEA representative, they must be in attendance at the IEP meeting or designate another team member to serve in that role.

Essential Corrective Actions:

1. CPS will empower IEP teams to make decisions at IEP meetings. CPS will communicate this to all special education staff and parents at the start of the 2018-2019 school year. CPS will develop a communications plan for this information, which will be approved by ISBE.
2. CPS will provide a report to the ISBE monitor on a monthly basis identifying the IEP meetings that were continued and a reason for the continuance. If a meeting is continued for District Representative or Principal approval, CPS will report to the ISBE monitor the reasons why such approvals were required.
3. The Monitor or other ISBE Staff will attend IEP meetings throughout the three year implementation of this corrective action plan. The Monitor will determine which meetings ISBE Staff will attend. The Monitor and ISBE Staff will provide feedback to the IEP team and the District Representative following the meeting.
4. CPS will enable ISBE to provide training regarding drafting legally compliant Individual Education Plans.
5. CPS will enable ISBE to provide District Representatives and other select staff with training regarding facilitated IEP's.
6. CPS will use ISBE IEP meeting facilitators throughout the school year at sites identified by the ISBE Monitor.

C. Electronic IEP System Use

ISBE Requirement: CPS will allow IEP teams full access to the SSM electronic IEP system during the IEP meeting in order to enter decisions and information discussed by the IEP team.

Essential Corrective Actions:

1. CPS will use the notes pages to record minutes of the IEP meeting and will include those notes pages as part of the IEP document provided to the parents following the IEP meeting.



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2. CPS will allow IEP teams to make the determination of a Separate Day Placement at the IEP meeting.
3. CPS will allow IEP teams to determine Paraprofessional support, ESY, and Transportation at the IEP meeting.
4. CPS will provide training to all staff regarding the use of the SSM system and the Procedural Guidelines and will ensure that the SSM system and the Procedural Guidelines are consistent at all times. ISBE will approve the Procedural Guidelines before adoption and be invited to the training.
5. The Monitor will review IEP's periodically to ensure teams have the ability to use the IEP system.

D. Data Collection

ISBE Requirement: ISBE expects IEP teams in CPS to use data to support decisions. CPS agrees that data should be both qualitative and quantitative, including observation of the student and input of the parents and the parents' private providers.

Essential Corrective Actions:

1. CPS and ISBE will work together to develop a data-driven approach to decision making that will allow students to receive services in a timely manner. CPS and ISBE will devise a data-driven decision making plan that will be communicated to all CPS staff and parents prior to the start of the 2018-2019 school year.
2. CPS will simplify data collections forms for the justification of paraprofessionals, transportation, extended school year, MTSS, FBA/BIPs, and any other related service that requires data collections. These forms will become part of the IEP document and copies will be provided to parents along with the final IEP.
3. CPS and ISBE will provide training to staff members regarding best practices in the data driven decision making process. Parent training also will include information regarding data driven decision making.

E. Procedural Manual and Guidance



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ISBE Requirement: By August 1, 2018, CPS will update its “Procedural Manual: Guidance on Providing Special Education and Related Services to Students with Disabilities Pursuant to the Individuals with Disabilities Education Act (IDEA).” The manual shall be publicly posted on the CPS website and a printed copy shall be provided to parents upon request. The Procedural Manual (online and print) must be made available in Spanish and translated to other native languages upon request.

Essential Corrective Actions:

1. CPS and ISBE shall seek stakeholder input during the revision process of the Procedural Manual.
2. The ISBE Monitor must review and approve all Procedural Manual Changes prior to implementation.
3. CPS and ISBE will determine how frequently the Procedural Manual is updated and updates will coincide with updates to the IMPACT-SSM system. Updates to the Procedural Manual and SSM system should only happen during the school year in response to a legal change that necessitates an update. In the unlikely event this happens, the updated Procedural Manual and information regarding SSM changes must be broadly disseminated to staff and parents.

F. Budgeting

ISBE Requirement: ISBE will review CPS’ budget plan for FY 2019. Specifically, ISBE will review CPS’ special education staffing/allocation formula. ISBE expects that CPS’ methods for determining special education staff is clear and transparent for schools.

Essential Corrective Actions:

1. CPS will provide ISBE with the allocation/staffing formula used for the 2018-2019 school year.
2. CPS will establish a an appeals process that will include the following:
 - a. Documentation required from schools; and
 - b. Timelines of expected response.



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3. The ISBE monitor will review all staffing appeals and subsequent decisions and will have the authority to override appeals decisions if evidence demonstrates that the decisions will result in the unwarranted denial of services to students.

G. Stakeholder Involvement

ISBE Requirements: ISBE expects that CPS will engage with various stakeholder groups at regular intervals throughout the school year. The meetings will be structured so that CPS provides opportunities for groups to obtain updates and provide feedback for various topics.

Essential Corrective Actions:

1. ISBE expects that CPS will continue to host monthly ODLSS Parent Advisory Committee meetings, in which the ISBE monitor or other ISBE representative will be in attendance. CPS will provide ISBE with written agendas, meeting notes, and any relevant documentation before, during, and after the meeting.
2. ISBE expects CPS to meet with the ISBE Monitor on a weekly basis, unless an alternate schedule is agreed upon between CPS and the ISBE Monitor.
3. ISBE expects CPS to meet with representatives from Advocate groups on a monthly basis to provide relevant updates regarding CPS's special education system. The ISBE Monitor will be in attendance at these meetings.
4. ISBE expects that CPS will involve stakeholders in the review of the CPS Procedural Manual prior to the start of SY 2018-2019.
5. ISBE will provide CPS with specific notices to parents that CPS must share with parents throughout the school year, including but not limited to the ISBE Parent's Guide, Procedural Safeguards, and a list of low cost and free legal services available in the area. ISBE will provide these documents in English and Spanish and other languages upon request.
6. ISBE will provide training to parents regarding parents' rights. Such training will take place within the first semester of the 2018-2019 school year. One training will take place in each network. CPS will assist ISBE by providing space for these trainings and by broadly advertising the trainings once scheduled.

H. Additional Training Plan



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ISBE Expectation: ISBE expects CPS to initiate a robust and transformative plan for training staff regarding Federal and State Special Education Laws. The Plan will outline the training CPS will provide to staff regarding special education over the next three years.

Essential Corrective Actions:

1. CPS will work with the ISBE Monitor to develop a training plan prior to the beginning of the 2018-2019 School Year. The plan shall be for three years.
2. The Monitor shall be invited to participate in every training under the plan.
3. The Monitor shall approve any changes to the Plan throughout the three year implementation period.

G. Student Specific Corrective Action

ISBE Expectation: The Public Inquiry Team found several instances where CPS practices may have delayed or denied services to individual students. It is ISBE's expectation that the students whose services were delayed or denied as a result of the practices that were inconsistent with IDEA Part B must be identified and that opportunities to remedy the delay or denial must be offered when appropriate.

Essential Corrective Actions:

1. ISBE and CPS will to devise a plan to identify students whose services were delayed or denied. Subject to the approval of the U.S. Department of Education's Office of Special Education Programs, the plan will include at least the following:
 - a. A process for IEP teams to follow to examine the delay or denial of services and determine remedial opportunities;
 - b. A process that will allow ISBE to choose a sampling of IEPs from the schools it identifies as most affected by CPS's policies and procedures and initiating a review of the delay or denial of services and remedial opportunities; and
 - c. An expedited Complaint procedure through ISBE for individual parents and families.
2. The ISBE Monitor will have full oversight of the Student Specific Corrective Action, including the right to overturn IEP team decisions granting or denying remedial opportunities.



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3. CPS will assist ISBE in notifying all parents and families of the Student Specific Corrective Action process in order to ensure that all parents and families, including those who do not currently receive special education and related services, have the opportunity to pursue corrective action if eligible.

ISBE PUBLIC INQUIRY
Chicago Public Schools Closing Brief and Recommendations

The Chicago Public Schools have made well-documented gains in student achievement during the past few years and is committed to ongoing improvements to ensure that these gains are universally realized. In a 2016 white paper, CPS published its findings on the persistent achievement gap between students with and without disabilities and set out its plan to meet the needs of diverse learners and to close the gap. In its desire to address this challenge expeditiously, some of the reforms were rolled out too quickly and without enough oversight. CPS is in the process of renewing and correcting its plans to ensure smooth implementation and positive results. CPS disputes the Advocates' allegations, however, that its procedures and policies have resulted in systemic denial or delay of special education and related services. While the Advocates have provided examples of situations where the process of securing services may not have run as smoothly as anticipated, these individual situations do not establish systemic violations of the law.

- 1. Does CPS's electronic IEP system, either alone or in conjunction with CPS's Policies and Procedures, result in an unlawful denial or delay of required services or limitations on the required continuum of services to students?*
- 2. Do CPS's documentation and data collection requirements result in unlawful denial or delay in the identification of eligibility or provision of special education and related services?*
- 3. Have CPS's policies regarding transportation resulted in an unlawful denial or delay in the provision of needed transportation services to students?*

This response addresses the three issues with respect to the provision of paraprofessional services, extended school year services, separate day/residential/home hospital placement determinations, eligibility determinations for specific learning disability, and transportation services.

Pursuant to IDEA, for all IEP team determinations, an LEA Representative is a required IEP team member. Team decisions are not made by a majority vote and the LEA Representative is

responsible for determining the district's offer of FAPE. *Letter to Richards*, 55 IDELR 107 (OSEP 2010) ("The IEP Team meeting serves as a communication vehicle between parents and school personnel and enables them, as equal participants, to make joint informed decisions regarding the services that are necessary to meet the unique needs of the child. The IEP team should work towards a general agreement, but the public agency is ultimately responsible for ensuring the IEP includes the services that the child needs in order to receive a free appropriate public education (FAPE). It is not appropriate to make IEP decisions based on a majority "vote." **If the team cannot reach agreement, the public agency must determine the appropriate services and provide the parents with prior written notice** of the agency's determinations regarding the child's educational program and of the parents' right to seek resolution of any disagreements by initiating an impartial due process hearing or filing a State complaint."). ODLSS Representatives and Principals attending IEP meetings are proper team members, and, when are serving as the LEA Representative, ultimately make the final decision on the offer of FAPE.

All decisions by the IEP team must be data-driven and specific to the needs of the individual student, starting with the evaluation and continuing through every aspect of the IEP development. *See e.g.*, 23 Ill. Admin. Code 226.130(b) ("...each district shall implement the use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure.").

All of CPS' procedures and policies are consistent with this legal framework as set forth in state and federal law.

Paraprofessional Services

- Paraprofessional support, particularly dedicated support, is a very restrictive intervention. As Kathleen Gibbons testified, the SSM system and the data requirements are designed to ensure

that paraprofessional supports are provided in the settings in which they are needed and to avoid vague or unnecessary assignments of paraprofessionals.

- Administrator involvement is to confirm that data exists to “inform the IEP team’s discussion” in advance of the IEP meeting and requires that the administrator either attend the IEP meeting or delegate responsibility to a member of the school-based team. CPS 000677; Advocates 000235. The Advocates’ claim that these administrators make decisions outside of the IEP team setting is unfounded; rather, administrators review the data in advance and assist teams with making the best data-driven decisions for students. Advocates 000275-276, 282-283.
- The testimony at the public hearing from Ms. Brooks, Ms. Tabatsalis, and Ms. Wakelin confirmed that in almost every instance, when decisions about paraprofessionals were needed, the ODLSS Representative or Principal was present at the IEP meetings.
- None of the witnesses testified to any issues with getting paraprofessional support in the 2017-18 school year. Indeed, Ms. Palmieri confirmed that her child has had paraprofessional support the entire school year, and Ms. Wakelin confirmed that none of her clients have had any issues with receiving paraprofessional support.
- The number of paraprofessional minutes did decrease from the 2015-16 school year to this current school year (although this school year is not completed). CPS 001413. Dr. Keenan and Ms. Gibbons both testified that the decrease is attributable to the removal of the requirement that students in cluster programs have paraprofessional minutes included on their IEPs (these students receive program paraprofessional support so these minutes are now considered programmatic support rather than documented as individual service minutes). Additionally, the conclusion that there has been a decrease in paraprofessional minutes collectively across

the district does not reveal any useful information regarding the provision of FAPE for individual students.

- CPS has acknowledged, and Dr. Keenan testified, that the SSM paraprofessional screens may take more time than in the past to complete. While the current process is not unlawful, CPS is committed to working with the CTU working group in an effort to streamline information entry while continuing to encourage student-centered decisions.

Extended School Year Services

- An ODLSS Representative is only involved with ESY decisions in limited situations involving special circumstances or where an IEP team did not gather data establishing regression/recoupment prior to May 10th. CPS 001291. No testimony or documentation presented suggested a systemic denial or delay of ESY because of the involvement by the ODLSS Representative.
- The date windows for ESY were created to ensure that decisions are driven by sufficient data to support the intervention and are consistent with ISBE's 2001 Guidance on ESY. IEP teams were able to discuss ESY before the date window and note the need to reconvene on the Notes page of the IEP. CPS 000688. IEP Teams could reconvene at any time after the date window to include ESY or, with parent consent, could revise the IEP to include ESY without an IEP meeting.
- Ms. Wakelin confirmed that she has had no client denied ESY services this school year. The parents who testified also confirmed receipt of ESY services for this coming summer.
- Based on concerns raised, CPS has agreed to lift the requirement to have ODLSS involvement in ESY decisions made after May 10th and for ESY in special circumstances. Additionally, CPS has agreed that the ESY section of the IEP can be opened at any time during the school

year provided that the teacher(s) have entered data into the appropriate ESY data collection forms. CPS 001947, 1950.

Separate Day/Residential/Home Hospital Placement Determinations

- An ODLSS Representative is included when considering removing a student from a general CPS school and placing the student in a therapeutic day or residential program, the most restrictive intervention that a district can provide. Given the importance of LRE determinations, a change to such a restrictive placement requires sufficient information and the oversight of the District. The role of the ODLSS Representative, as Dr. Keenan testified, is to provide insight regarding other interventions that may be available within the district and to assist the team in making such a restrictive placement decision only when necessary to provide FAPE.
- Ms. Brooks testified that she was frustrated with the process for placement in a therapeutic day school but the email chain that she attached to her affidavit confirmed Dr. Keenan's testimony about the value and need for ODLSS Representative involvement. For Ms. Brooks' student, the ODLSS Representative was very aware of the case, had been at the IEP table to discuss the student (at which time the team made the decision not to outplace the student based on her progress in her current placement), had been tracking the student's progress, and agreed to a follow-up IEP meeting if needed. Advocates 003059-003063. These safeguards ensure that a young student is not removed from all exposure to nondisabled peers unnecessarily. Simply because a team member, in this case Ms. Brooks, disagreed with the decision does not mean that it violated the IDEA, let alone point to any systemic denials or delays.

- Ms. Gibbons testified that, as with paraprofessional support, the ODLSS Representative is reviewing data in advance of the meeting and determining if the data is sufficient to allow the IEP Team to have a full discussion on the issue of placement.
- CPS has historically required documentation of attempts at intervention in the school prior to removing a student to a therapeutic setting. CPS 000670-71, 001950.
- Further, as Ms. Gibbons confirmed, CPS has had the involvement of a district-level administrator in outplacement decisions for years, including during the oversight of the *Corey H.* monitor.
- Finally, Ms. Gibbons testified that involvement of an ODLSS Representative can assist a team that must act quickly for a student in crisis: the Representative can approve an intervention in such circumstances, including a therapeutic placement, without adherence to the data requirements if necessary to provide FAPE and/or keep the student and others safe.

Eligibility Determinations for Specific Learning Disability

- To determine that a student has a SLD, CPS has required the use of MTSS data, consistent with both state and federal law. 34 C.F.R. 300.309(b) (Team must consider, as part of an evaluation for SLD “(1) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and (2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child’s parents.”); *Questions and Answers on Response to Intervention and Early Intervening Services*, 47 IDELR 196 (OSERS 2007) (A district using RTI for all its students can require the eligibility team to consider RTI data as part of the SLD eligibility determination. RTI data is typically collected prior to an evaluation. (Question C-2).

Federal regulations require referral for evaluation if the child has not made adequate progress after an appropriate period of time, but that time period is not specified. (Question C-5)); 23 Ill. Admin. Code 226.130(b) (“...each district shall implement the use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure.”).

- The data collection requirements can be done within the evaluation period. Indeed, Ms. Wakelin testified that she had recently been at an IEP team meeting where a student was found eligible with an SLD.
- Despite a lack of evidence that the current data requirements are causing denials or delays in services, CPS has agreed to change the Procedural Manual and SSM system to reflect that collecting 10 weeks of data (2 sessions of 5-week interventions) is a best practice and not an absolute requirement. CPS 001949.

Transportation Services

- ODLSS Representatives have been involved in transportation decisions for students enrolled in charter/contract/options (alternative) schools, transportation in special circumstances, and pre-K when the drop-off/pick-up is in a different location. As Dr. Keenan and Ms. Gibbons testified, the ODLSS Representative involvement was provided to ensure that the team decision was FAPE-based and also appropriately communicated and coordinated with the CPS transportation department.
- The number of students eligible for and accepting transportation did decrease from the 2015-16 school year to this current school year (although this school year is not completed). CPS 001413. This global number is inadequate to draw a conclusion that individual students were

improperly denied transportation services or whether the inclusion or removal of transportation was based on data and supported the student's goal of inclusion and independence.

- To address concerns, CPS has agreed to allow the principal or assistant principal to act as the LEA Representative for transportation decisions in special circumstances and for pre-k when the drop-off/pick-up is in a different location. CPS 001947.
4. *Does CPS's budgeting system result in unlawful denial or delay in the provision of special education and related services to students?*
- CPS has revised its special education budgeting system over the past three school years, culminating in a process which combined special education funding with general education SBB funds (with the exception of cluster programs), and, for this school year, determined the special education funding based on a school-by-school review of IEP needs completed in April 2017. CPS 001423.
 - As Mr. Volan testified, the use of April data, when special education numbers are at the highest, ensured that a school's highest level of need was funded.
 - The allocation of funding was based on the specific paraprofessional and teacher needs in each school. As demonstrated through the Chavez budget report, principals were told the precise number of staff needed, including within cluster programs for which staff were funded centrally. CPS 001433-1436.
 - Dr. Keenan testified that she has met with numerous principals and has never seen any indication that the CPS budgeting process resulted in budget-driven decisions rather than student-driven decisions. No contrary testimony or evidence was presented. The Advocates argue that CPS hired consultants to save costs and reduce services but provided no support for that assertion.

- CPS has agreed to change its budgeting system for the 2018-19 school year to reflect position allocations for special education, rather than providing funding. This decision was made based on feedback from principals who preferred the clarity and transparency of this method of allocation.
- In addition to budget allocations, CPS has an appeal process in place so that schools can request additional funds (as Mr. Volan testified, schools can also receive additional funds through program support funds and through 10th day adjustments). During the pendency of an appeal, as discussed by Ms. Lucas, a principal can request and will be granted substitute paraprofessional and teacher support.
- The appeals committee looks at the appeals in detail and determines if additional funds are needed for special education staff. During the review, a member of the committee may be in touch with the principal, the OLDSS District Representative, or the Network Chief to gather more information and to discuss the need for funds and ensure that student needs were met. *See generally* CPS 03669-3810.
- If an appeal is denied, the committee communicates that to the principal by phone, discusses the basis for the denial, and offers assistance. For example, if, upon review, the committee determines that a school has the correct level of staffing but is not scheduling its paraprofessionals and teachers optimally, a committee member or the ODLSS District Representative will assist with revising the schedule of staff to ensure that all minutes are being met.
- As Ms. Lucas testified, if an appeal is denied, that does not mean student needs are going unmet. To the contrary, an appeal is denied only when the committee sees an avenue for all IEP minutes to be fulfilled even without the additional staff/funds.

CPS has over 50,000 students with disabilities at over 700 campuses. In a system this large, the district must ensure both that each student is assessed and served individually, and that clear and consistent processes and procedures are in place to ensure quality, consistent decision-making by IEP teams. CPS remains committed to data-driven decisions. As Dr. Keenan and Ms. Gibbons testified, making decisions based on data is essential to ensuring that students are appropriately served and also provides an important communication tool to promote parent participation by increasing their access to information about how their child is doing at school.

CPS believes that the best outcomes for students are achieved when it collaborates with stakeholders. CPS has been meeting regularly with the CTU and principals to receive and incorporate their input on its special education policies and procedures, and is committed to continuing that work. CPS has also initiated a parent advisory committee to enable increased parent participation in discussions regarding the improvement of special education services. CPS has been responsive to concerns raised by the Advocates, while acknowledging that it will not always agree with their requested changes. Finally, CPS recognizes its role in providing training regarding special education to parents, which it is committed to doing through parent universities and by providing parent advocates to assist parents navigating the special education system.

CPS also recognizes that effective staff training and support are necessary components of implementing procedural reforms. CPS is committed to providing enhanced training opportunities to CPS staff, including in areas such as its Procedural Manual and the SSM system, particularly as it rolls out new changes.

CPS believes its current system is legally compliant and is always willing to work with its stakeholders to improve its programs and thereby improve outcomes for all its students.

RECOMMENDATIONS

As CPS has maintained in its submissions to the Public Inquiry Panel, the District does not believe that its policies or practices have resulted in any systemic denial or delay of the provision of special education or related services to students. CPS is continually seeking to improve supports for students with disabilities and is open to partnering with ISBE in moving its efforts forward. Specifically, CPS believes the following are areas for potential partnership:

1. Additional Funding

Although CPS has met its IDEA maintenance of effort requirements and adequately funded its special education program, if ISBE determines that additional staff or services are recommended, CPS requests that ISBE provide additional state or federal funds to CPS to pay for the costs associated with any such added expenses.

2. Working Group

CPS has committed to continuing its meetings with the CTU, with principals, and with other members of the Advocates group, as well as parents, to review, and revise if appropriate, its special education policies and program. If ISBE believes that it should play a role in such collaborative work, CPS would welcome ISBE's participation or facilitation of such a process, recognizing that CPS maintains local control and final decision-making over reforms so long as they are consistent with state and federal law.

3. Technical Assistance

CPS appreciates ISBE's insight and assistance in recommendations for changes and corrective action in its special education program. Additionally, should ISBE recommend that CPS staff receive additional training, CPS suggests working with ISBE on the funding, design, and implementation of those trainings.

4. Corrective Action

If ISBE identifies areas of noncompliance, CPS is willing to collaborate with ISBE on action plans. The corrective action plan can be reviewed by ISBE's special education staff in advance of CPS' implementation.

5. Monitoring

CPS strongly rejects the notion, often asserted by the Advocates, that all corrective action by CPS must be done under the direction and supervision of a monitoring entity. CPS is willing to collaborate with ISBE on any proposed action plan and provide internally monitoring of the implementation of the plan.

JONES STEPHANIE

From: Keenan, Elizabeth <eakeenan@cps.edu>
Sent: Wednesday, May 02, 2018 8:50 AM
To: JONES STEPHANIE; CALOMESE HEATHER
Subject: ISBE Inquiry

Dear Stephanie and Heather,

Thank you for meeting with us last week to discuss your draft recommendations – we look forward to our call on Thursday. We wanted to follow-up in advance of that call with some thoughts on what you outlined. We also want to again express our appreciation to you for the collaborative and positive approach you are taking and to reiterate CPS's commitment to improving its special education program and policies.

I am going to go through each numbered item as you set them out:

1. ISBE Monitor: CPS would value a collaborative relationship with an ISBE Monitor who can provide input and feedback on changes and improvements that CPS makes to its programs and policies.
2. SSM Changes: CPS envisions a collaborative process with principals, teachers, parents, and Advocates, with input from the ISBE monitor, on improvements and changes to its SSM system. CPS is in agreement that the notes pages should be fully utilized, that the SSM system should contain no obstacles to decisions by the IEP team, and that all decisions can be made at the IEP table. CPS also plans to implement a system whereby any major changes to the SSM system are made over the summer with roll-out and training prior to the next school year.
3. IEP Meetings: CPS is committed to a full IEP team at the table (with the allowance that parents can, under the law, excuse individual team members from the meetings as needed) – it will continue to allow Principals/Assistant Principals to serve as LEA Representatives, understanding that to serve in that role, they must be at the IEP meetings. Otherwise, the authority must be delegated.
4. Data: CPS is committed to making meaningful data-driven decisions and shifting the emphasis from the amount of data to the quality of data. CPS would welcome the training and resources from ISBE for its IEP team members on the effective use of data.
5. Procedural Manual and Guidance: CPS looks forward to ISBE's input and collaboration on the manual/guidance documents. It also intends to continue to seek input from community partners on these documents, particularly parents, to ensure that they are clear and also consistent with the SSM system. Again, CPS would like any major changes to these documents to happen in conjunction with SSM system changes over the summers so that they can be posted and implemented in the fall of the new school years.
6. Training: All the training pieces ISBE has proposed are appreciated and CPS will continue to improve its trainings for both staff and parents.
7. Student Specific Corrective Action/Sanction: CPS is aware that this is a complicated area but would propose the following (rationale included):
 - a. CPS will provide extended ESY services in the 2019 and 2020 summers for any students identified by CPS and ISBE who fall within certain parameters such as those students whose IEPs included transportation, ESY, and/or paraprofessional support for the 2015-16 school year but where it was removed for the 16-17 school year. CPS is also willing to include other students, in agreement with ISBE, for whom these services were recommended by the IEP team, including outside placement, and SLD eligibility, but who did not receive these services/eligibility in the 16-17 or 17-18 school years. For this latter group, the issue will be identifying these IEPs but CPS will work with ISBE to locate the correct subset of students. CPS is proposing that no analysis be completed as to whether services were delayed or denied or whether the students' progress was impacted – rather, these students will, by virtue of being identified within the parameters set by CPS and ISBE, automatically be offered extended ESY for the 2019 and 2020 summers.
 - i. CPS does not believe it is either feasible or the proper role of the IEP team to review each individual student, determine whether services were delayed or denied, and then whether this delay or denial impeded progress or interfered with the provision of FAPE.

ii. Additionally, CPS does not believe the findings of the Inquiry Team support this level of review or the potential legal exposure to CPS if teams make these determinations.

iii. CPS will provide all students identified with extended ESY services

iv. It is not logistically feasible for CPS to offer the extended ESY services this coming summer but it is committed to doing so for the following two summers.

- b. ISBE implements an expedited complaint process for any parents who want to pursue individual action – this will allow any parent that is not satisfied with the extended ESY offer to pursue individual remedy through ISBE. These parents also have access to the due process system.
8. Budget: CPS does not think it is consistent with the Inquiry Findings for ISBE to approve the CPS budget plan (and the budget has already been approved for next school year) but welcomes ISBE’s discussion and input on the budget and appeals processes. CPS agrees to clarity for both traditional public schools and charter/contract schools.
9. Misc: CPS has already begun implementing plans for increased parent involvement (parent advisory committee, parent universities etc...) but welcomes ISBE’s input on this matter. Likewise, CPS is willing to continue working with Advocates on the SSM system and Procedural Manual. CPS welcomes any technical assistance and support from ISBE.

Thank you,

Liz

Elizabeth Keenan, PhD

Chief Officer -Office of Diverse Learner Supports + Services

Chicago Public Schools

42 W. Madison, Chicago, IL 60602

Office: 773-553-2557| Cell: 773-230-9458| Email: eakeenan@cps.edu



**PUBLIC INQUIRY INTO SPECIAL EDUCATION POLICY & PROCEDURES
CHICAGO PUBLIC SCHOOLS**

ADVOCATES' CLOSING MEMO

Below we have attempted to answer the Inquiry Team's (IT) remaining questions, as explained at the March 13th pre-hearing meeting with all parties. We have included citations to records supporting our argument that Chicago Public Schools' (CPS) past and present special education policies violate the IDEA.

ISSUE 1: Does CPS's electronic IEP system, either alone or in conjunction with CPS's Policies and Procedures, result in an unlawful denial or delay of required services or limitations on the required continuum of services to students?

a) Whether and/or to what extent the requirements for administrative involvement interfere with the IEP team's ability to make decisions and how the administrative sign-off requirements work in practice (34 CFR §§ 300.321, 300.322; 23 Ill. Admin. Code §§ 226.210, 226.220)

1. DR's as administrators have improper approval power over decisions regarding therapeutic day school placement ("TDS"), transportation services, paraprofessional support, extended school year ("ESY"), and specific learning disability ("SLD") eligibility. (Advocates 000174-000175, Advocates 000235, Advocates 000282-000285, Advocates 000313; **CPS 000071, CPS 000087, CPS 000097-000099, CPS 000104** (December 2017 Guidelines); **CPS 000115-000119, CPS 000126, CPS 000128, CPS 000130, CPS 000131-000133, CPS 000144-000145, CPS 000150, CPS 000154** (February 2018 Guidelines); CPS 000389-000390, CPS 000393-000395 (September 2016 Procedural Manual), **CPS 000670, CPS 000677** (February 2018 Procedural Manual), **CPS 000754, CPS 000794, CPS 000828-000830, CPS 000849, CPS 000907, CPS 001283** (Screenshots/SSM), **CPS 001286-001287, CPS 001290-001292, CPS 001946-001948** (Keenan Affidavits; DR data review

and “delegation” to DR or principal akin to pre-determination), CPS 001362, **CPS 001606-001607, CPS 001610, CPS 001614, CPS 001732-001733, CPS 001736, CPS 001756** (training materials), CPS 001953, CPS 001956 (IMPACT Help Desk document); testimony of Keenan, Gibbons, Brooks, Tabatsalis, Tsitsopoulos, Wakelin).¹

2. The evidence shows multiple examples of changes in placement to TDS, transportation services, paraprofessional support, and ESY decisions determined appropriate by IEP Team and later overruled by the DR, including outside of IEP meetings. (Advocates 00174, **Advocates 000310**, Advocates 000311, Advocates 000414-000416, Advocates 002004, Advocates 002083-002096, Advocates 002205, Advocates 002215, **Advocates 002521**, Advocates 002771-002773, **Advocates 003038-003041**, Advocates 003041-003043, Advocates 003079, **Advocates 003120**, Advocates 003138, Advocates 003229-003230, Advocates 003462, Advocates 003826-003827, **Advocates 003861-003864, Advocates 003878-003879**, Advocates 003885, Advocates 003993 – 003995, Advocates 004051 – 004057, **Advocates 004091 – 004093**, Advocates 004401-004402, Advocates 004456, **Advocates 004563-004564, Advocates 004627-004636, Advocates 004654-004663**; testimony of Brooks, Tabatsalis, Tsitsopoulos, Wakelin)
3. DRs instructed teachers/staff to modify IEPs, including to lower amount of service minutes and change accommodations/modifications. (Advocates 002185 – 002187, **Advocates 003519**, Advocates 003037, Advocates 004554; testimony of Brooks, Tabatsalis)
4. Requirement for DR attendance and/or involvement in decision-making about services improperly delays IEP meetings. (**Advocates 000155 – 000161**, Advocates 002215, Advocates 003041 – 003043, Advocates 003079, Advocates 003138, **Advocates 003520-**

¹ Bolded page numbers provide support that issues have continued into the 2017-2018 school year.

003521, Advocates 003878-003879, Advocates 004563-004564; CPS 000097; testimony of Brooks)

- b) Whether and/or to what extent the requirements for administrative involvement interfere with the parent's ability to participate in the IEP team (34 CFR §§ 300.321, 300.322; 23 Ill. Admin. Code § 226.210)

1. Parents could not meaningfully participate in discussions about changes in placement to TDS, transportation services, paraprofessional support, and ESY (see citations in part (a) supra; note also that the CPS Procedural Manual was not published to parents until February 2018, testimony of Keenan)

- c) Examples of issues in SSM during the 2017-2018 school year, resulting in IEPs failing to document IEP Team discussion and decisions (34 CFR §§ 300.106, 300.320; 23 Ill. Admin. Code §226.230)

1. During the 2017-2018 school year, there continued to be an inability of IEP teams to include ESY services in the IEP, and auto-populated language continued to state that the student “doesn’t qualify for ESY” despite no discussion or despite a contrary agreement by the IEP team. This was due to SSM system blocks and date restrictions still in effect. (Advocates **000360 – 000366, 003473, 003855 – 003859, 003997 – 003998, 004290 – 004291, 004400**); auto-populated language stating student doesn’t qualify for ESY despite no discussion (Advocates **004614 – 004618**), Team determining need to collect data (Advocates **000310-000314**); compare/see also CPS no. **000069 – 000079** (December 2017 draft Guidelines), **000115 – 000124** (February 2018 Guidelines), **000489 – 000491** (July 2017 Procedural Manual), 001291 – 01292 (Keenan Affidavit); testimony of Keenan, Wakelin)

2. Compare/see also 2016-2017 school year (Advocates 000313, 000361, 000373, 000390 – 000404, 003037, 003039 – 003041, 004411; CPS 000387 – 000391 (September 2016 Procedural Manual), testimony of Keenan, Gibbons, Brooks, Tsitsopoulos)
3. Note also, CPS admitted concerns about the significant drop in the number of ESY-eligible students during the summer of 2017. (CPS 001948)

ISSUE 2: Do CPS’s documentation and data collection requirements result in the unlawful denial or delay in the identification of eligibility or provision of special education and related services to students?

- a) Does the requirement that principals sign-off and confirm data collection result in the unlawful delay or denial of eligibility or provision of special education and related services to students? Do the data practices exclude parents and the IEP team? Is the data used as a gate-keeping tool/barrier?

1. The need for data and DR approval of that data has been used to delay and sometimes deny placement at TDS’s, even when the IEP team agreed it was needed. (Advocates 002206)
2. The evidence shows that need for data and DR approval of that data has been used to delay, deny, and even to remove paraprofessional aide support, even when the IEP team agreed it was needed. A DR’s refusal to “sign-off” on data has completely prevented aide support from being put into an IEP. (Advocates 000068-000070; Advocates 000159; Advocates 000175; Advocates 00409; Advocates 002711; Advocates 003669-71; Advocates 004391; Advocates 004437; Advocates 004400;)
3. Data requirements mean that a student’s IEP services depend on decisions made before the IEP team meeting, by staff external to the school, improperly excluding parents and the IEP team. Decisions not just about whether to approve the data, but also decisions about whether

to collect data at all. (Advocates 000159; Advocates 000311; Advocates 003228-003230; Advocates 003348; Advocates 003352; ISBE 000293)

b) Are the documentation and data collection requirements overly burdensome for staff, leading to the unlawful delay or denial of eligibility or provision of special education and related services to students due to logistical impracticality? How much time and effort is needed to collect and enter data requirements in the system?

1. Teachers and other providers testified that the data collection required to justify the need for services is confusing and burdensome and interferes with their ability to deliver instruction and related services. (Advocates 002187-002188; Advocates 003228-003230; Advocates 003348; Advocates 003352; Advocates 003519; Advocates 003989; Advocates 004557; Advocates 004561)
2. By making it more onerous for teachers to get services for students due to massive data collection, the process incentivizes teachers to refuse or reduce paraprofessional services for students, because then they don't have to perform the data collection. (Advocates 004559-004561)
3. The requirement to complete MTSS and the Learning Environment forms before an evaluation or eligibility for Specific Learning Disability can take place, is confusing to teachers and the evidence shows it leads to students not being timely evaluated. (Advocates 000070-000071; Advocates 000312-000314; Advocates 001992-001993; Advocates 002187; Advocates 002603-002604; Advocates 003618; Advocates 003995-003997; Advocates 004064; Advocates 004048; CPS 000141)
4. The February 2018 PM still requires five weeks of data collection – which is impractical for a student with a pre-existing mental health crisis. And it requires an FBA/BIP – which is impractical for a student who needs a TDS due to a learning or cognitive disability. TDS

placement doesn't happen unless the DR approves the placement. (Advocates 004562; Advocates 004565-Advocates 004570)

5. CPS's policies have been effective at saving money. The number of students with any paraprofessional support dropped 27%. The amount of paraprofessional minutes in IEPs dropped 52%. CPS went from 1,100 aide minutes per each student with aide support to 695 minutes per each student with aide support. Fewer students have aide support, and those that do, have less aide support than before. (CPS 001413)

c) Do the proposed next year changes and recent 2018 changes represent positive change?

1. Our concerns remain, despite the changes CPS claims will happen. Some of those promised changes represent positive change, *if* they actually occur.
2. CPS took the shared aide minutes out of IEPs for students with cluster programming. This is problematic because it means those IEPs are no longer accurate. But also, this response shows that the data requirements were burdensome, and CPS just decided to remove those data requirements away for a small fraction of the special education students. (CPS 001408)
3. Dr. Keenan testified that MTSS is no longer required prior to collecting five days of paraprofessional data. But paraprofessional support still requires five days of data in every setting and every subject and for each task, and the MTSS requirement is actually still in the 2018 PM. (CPS 000131; CPS 000677; CPS 001949)
4. Administrative approval of data is still required for consideration of paraprofessional support for academic or behavior needs. (CPS 000128-00130)
5. Dr. Keenan testified that next year the ESY section will open at any time as long as the ESY data collection form entered, but she doesn't say whether all the ESY data collection forms for all reasons will be available at all times. (CPS 001948)

6. Due to the lack of clarity, we urge the IT to address CPS policies as they currently exist in writing, not as CPS claims they will be in the future.

ISSUE 3: Does CPS’s budgeting system result in unlawful denial or delay in the provision of special education and related services to students?

a.) Does the site-based system of budgeting result in the unlawful denial or delay of special education and related services to students?

1. The site-based budgeting (or the student-based budgeting; SBB) where local school budgets and special education budgets were combined into a single allocation, created inappropriate pressure on individual school principals to save funds by limiting special education services for students by not pre-approving them. (Advocates 000764-000775; Advocates 002193-002194)
2. A Local School Council member from a CPS special education school depicted CPS’s significant budget reduction practice. (Advocates 002837-002838)
3. The parent of a student with autism explained in an affidavit how the budgeting process denied needed services. (Advocates 003138-003139)
4. Social workers and special education teachers noted their inability to provide IEP services due to CPS’s budgeting system. (Advocates 001843-001844; Advocates 003231; Advocates 003800-003804; Third Party 000093-000094; Third Party 000047)
5. CPS ODLSS officers explicitly opposed or denied requested special education services based on not having a sufficient budget. (Advocates 002984; Advocates 003147)
6. CPS’s budgeting practice led schools to write IEPs based on staff availability and not based on students’ needs. (Advocates 001894-001896; CPS 003786)
7. The newly appointed CPS CEO announced in early March 2018 the elimination of SBB for special education for the 2018-19 school year in response to “feedback” from principals.

(Advocates 004676) While this is a positive development, there is no guarantee that SBB is dead and gone forever.

b.) Does the appeals process in the budgeting system result in the unlawful denial or delay of special education and related services to students?

1. CPS's budget appeal decisions were driven by budgetary concerns, and were not based on students' needs. (CPS 002852 (Perez); CPS 002992-002993; CPS 0003786)
2. The CPS Budget Appeals Review Committee placed some schools under an "action plan" when the school's IEP service minutes were deemed to be higher-than-average. (CPS 003112-003113; CPS 003410; CPS 003713 (Prussing); Third Party 000113)
3. CPS failed to follow up and ensure that students were receiving their required IEP services after denying their budget appeals requests to provide those services. Mr. Volan, who has been a regular member of the Budget Appeals Review Committee, testified that a DR would have helped a school after denial but when cross-examined, he could not answer whether students actually received their IEP required service minutes after denial.
4. As a result, students were denied services while appeals were pending and/or after appeals were denied. (CPS 002867 (De Diego); Advocates 003146-003148; CPS 003738-003739)
 - i. In one example in evidence, a student was denied an aide as part of a budget appeal from February 8, 2017 to June 7, 2017. (Advocates 000155-000161)
 - ii. In another example, CPS failed to provide necessary funding for special education services for four months. (CPS 002874 (Armour); CPS 003765-003766; CPS 003808)
 - iii. In yet another example, CPS denied a budget appeal even though the principal stated that "without additional support we will not be able to implement the IEPs of our diverse learners." The student was denied her IEP

service minutes while appeals were pending and denied. (Advocates 003814-003815; CPS 002884-002885)

ISSUE 4: Have CPS’s policies regarding transportation resulted in an unlawful denial or delay in the provision of needed transportation services to students?

a) How does District Representative (DR) involvement impact transportation decisions?

1. The evidence shows multiple examples where transportation was removed unilaterally, outside of an IEP meeting. (Advocates 000190; Advocates 000310; Advocates 002205; Advocates 003229; Advocates 003830; Advocates003993; Advocates 004051; Advocates 004628)
2. The evidence also shows several examples where transportation was delayed due to DR involvement. (CPS000143; Advocates 000069; Advocates 003521)

b) How does CPS determine which schools require DR involvement? How does CPS define “options” schools in that context?

1. The Procedural Manual (PM) and Dr. Keenan’s testimony are contradicted by DR and case manager statements. The PM requires DR for charter, contract and options schools, as well as certain busing accommodations (CPS000145; CPS000150). However, a DR testified that her presence is required for all transportation discussions other than those for cluster programs (Advocates 000236). A case manager reported that a DR must approve all transportation (Advocates 003894). The most recent training available to case managers says a DR must be present for all transportation decisions (Advocates 003265).
2. In her testimony, Dr. Keenan could not define what “option schools” meant in the context of the transportation policy, while Ms. Gibbons defined “options” as an “alternative” school. This is indicative of either purposeful obfuscation by CPS, or complete ignorance by at least

one of two top CPS officials as to their own policy. The definition makes a huge difference in the number of students affected.

3. “DR involvement” was never explicated by Dr. Keenan or Ms. Gibbons. Both insisted in their oral testimony that DR “sign-off” meant that data had been collected. Dr. Keenan insisted that DRs are only present at meetings to facilitate paperwork.

c) How are the transportation criteria being implemented?

1. The policies are not consistently implemented, nor are they clearly communicated to staff and parents. Students with clear cognitive and/or behavioral challenges are still being denied transportation. (Advocates000174; Advocates 000644; Advocates 002205; Advocates 004400-004401; Advocates 004556; Advocates 004628; Advocates 004636)
2. Parents do not receive the basis for transportation denials when requested. (Advocates 002205; Advocates 004055)
3. Criteria in the February 2018 PM differs from 2018 Case Manager guidance (CPS 001721; CPS 001728)
4. The “Purple” Form is extremely difficult to access. (Advocates000538; Advocates 001807; Advocates 003742)
5. Transportation implementation issues can have a dramatic impact. They can lead to the complete denial of any educational services, and when the initiation of transportation services is delayed it can cause loss of a school placement (Advocates 003743) or threats to the parent’s employment (Advocates 001807)
6. Transportation services have dropped by more than 14% since SY 15-16, while the number of IEPs has dropped 3.8% (CPS 001409; Advocates 000698).

The Chicago Public Schools' (CPS) Violations of the IDEA Identified in the Illinois State Board of Education (ISBE) Inquiry Process Require, At a Minimum, Remedies the Advocates Enumerate Below

The Advocates thank ISBE for responding to the Advocates' concerns about CPS' violations of the IDEA, although we continue to have reservations about the limitations and adequacy of its inquiry process. That said, the evidence produced during the inquiry process and hearing overwhelmingly supports findings that:

- IEP decisions were and are currently driven by budgetary concerns.
- IEP decisions were and are currently made by people who did not actually attend the IEP meeting or who made decisions despite the team favoring a different position.
- IEPs were and are currently not timely implemented and were delayed, or second-guessed, by subsequent budget appeals or approvals.
- Parents have not and do not currently have an equal role on the IEP team. The CPS Guidance policies and procedures in effect from 2016-2018 were not accessible in any format and were not transparent to parents.
- The electronic IEP system thwarted and continues to thwart the intentions of properly constituted IEP teams and did not and does not accurately reflect decisions.
- Children with learning disabilities were and are inappropriately delayed evaluation and eligibility decisions because of an inappropriate data collection requirement.
- Students were and are denied 1-1 aides, therapeutic placements, ESY, assistive technology and transportation due to inappropriate data requirements, cumbersome and restrictive rules and procedures, and an SSM system that blocked team decision making.
- CPS used a process for deciding district policy that was secretive and lacked stakeholder input and has implemented its policies, including the February 2018 manual, without adequate notice to stakeholders, public information or training for staff and parents.

Without remedies to ensure that the above violations do not continue or recur, the entire process will have been in vain.

The remedies enumerated below are necessary to safeguard the rights of children with disabilities in CPS:

I. ISBE-appointed independent external monitoring team/special master:

- a. Shall be in place by July 1, 2018 for a minimum term of five years, with the possibility of an extension.

- b. Shall be selected after review and consideration by the Advocates, with the Advocates making suggestions to be considered by ISBE. The Advocates will have veto power in the selection.
- c. Shall be funded by ISBE/CPS, with investigative authority and a staff sufficiently robust to allow active monitoring and approval.
- d. Will monitor all corrective action necessary to remediate violations, and have the authority to impose additional corrective action as necessary.
- e. Will review and approve any significant changes in CPS special education policy or funding.
- f. The Monitor must make all reports public and meet regularly with parents, the Chicago Teachers Union (CTU), Principals, and CPS administration.
- g. Shall meet quarterly with the Advocates.
- h. Shall publicly issue quarterly reports.
- i. Shall assess the effectiveness of the any required remedial training.
- j. After consulting with the Advocates and ISBE, shall create a data collection plan by August 1, 2018 that is sufficient to monitor the issues raised in the inquiry (including but not limited to staffing and position data and IEP data that it does not currently track). CPS shall timely provide the necessary statistical data as required by the Monitor on a system-wide and local school basis.
- k. Shall have authority to include but not be limited to (1) access to all electronic and paper documents and personnel deemed necessary to monitor and investigate remedial activities; (2) compel records from CPS and IBSE, including student records; (3) compel demonstrations of relevant computer systems; (4) demand data from CPS; (5) conduct site visits; (6) contact CPS (special education and non special education) parents directly to solicit information and feedback via survey or other means; (7) contact teachers and other staff directly; (8) publicly advertise its contact information so that teachers, parents and others can contact the monitor directly; and (9) review all denials of new position allocation requests and approve if warranted. CPS shall facilitate the Monitoring Team's execution of its authority.
- l. **Whistle-blower protection:** CPS personnel and parents may contact the Monitor directly and have their communications protected against any retaliation by CPS.
- m. **Cooperation:** all CPS personnel are required to cooperate with the Monitoring team.

- n. **Prior consultation:** while the Monitor is in effect, CPS shall not adopt or implement any **policy or SSM change** without prior consultation with the Advocates, CTU, Principals Association, and parent groups, as well as having a public notice and comment period.
- o. **Extension of monitor:** at the conclusion of the 5 year monitoring period, the Monitor shall report to ISBE assessing the degree of compliance with these requirements. If it is found by ISBE that CPS has not substantially complied with these requirements and/or that there continue to be significant problems with arbitrary decisions as to staff allocations and services, or significant failures in relation to delivery of a Free Appropriate Public Education (FAPE), the Monitor shall remain in force for an additional five years.

II. Compensatory Services: CPS will create a fund to provide public or private services up to a total of \$10,000,000 to pay for compensatory services for students who were wrongly denied services in the last two years because of CPS' policy changes. The process will be as follows:

- a. The fund will be administered and allocated by the Monitor.
- b. CPS and the Monitor shall publicize the availability of compensatory services for any student adversely affected by any of the CPS budget, policy and documentation procedures in place from 2016 to the present.
- c. The Monitor will separately reach out to all special education parents at all schools that had a budget appeal denied in part or whole this or last school year.
- d. All CPS parents should be given notice of the Inquiry Team findings and any ISBE action, and told that they may be eligible for compensatory education funds.
- e. Allocation of compensatory education will be determined by IEP teams.
- f. The Monitor will hear appeals of compensatory education decisions brought under this provision.
- g. Parents can access the fund for up to 5 years.

III. Production of data going forward: for the next 5 years, CPS should be required to produce the following data publically on the 20th school day, at the end of semester 1, and at the end of semester 2:

- a. Number of students eligible for special education, disaggregated by eligibility category.
- b. Number of special education instructional minutes for each type of setting (general education, separate setting), and number of filled positions to fulfill those minutes.
- c. Number of minutes of total dedicated aide support in IEPs, with number of filled paraprofessional positions.

- d. Number of minutes of total shared aide support in IEPs, with number of filled paraprofessional positions.
- e. Number of minutes for each related service, disaggregated by consult versus direct service and by type of related service.
- f. Number of students eligible for transportation, disaggregated by grade and eligibility category.
- g. Number of students eligible for ESY, disaggregated by grade and eligibility category.
- h. Number of CSE/FIE requests and percent denied, disaggregated by grade.

Any deviation from the prior year's usage that deviates more than 20% greater than any changes in the number of students eligible for special education in the district shall be a basis for investigation by the Monitor.

IV. Procedural Manual going forward - General Procedural Manual (PM) changes:

- a. An FAQ about PM must be mailed and emailed to all special education parents, and must also:
 - i. Be given to parents when Full and Individual Evaluation (FIE)/Case Study Evaluation (CSE) are requested.
 - ii. Include information divided by aides, ESY, transportation, placement, separate day placement, and early childhood.
- b. Offer a copy of the PM at the school office if requested and give a copy to parents when FIE/CSE are requested.
- c. Update PM only once a year for a new School Year.
- d. Provide adequate, mandatory training on PM and CPS policies for all special education staff and related service providers, and not just District Representatives or Case Managers.
- e. Provide adequate training on PM and CPS policies for parents:
 - i. CPS and/or ISBE will award grants of \$500,000 per year each to at least three parent advocacy organizations to provide funding for additional parent training and low cost/no cost advocacy activities.
 - ii. These funds will be in addition to, rather than in lieu of, any funding that is already being provided.
- f. **PM and guidance** should be:
 - i. Shorter and at no more than a 5th grade language level.
 - ii. Translated into Spanish and other languages.

- iii. Changed to add a clear requirement that notes should be taken at every IEP meeting throughout the entire meeting. This should include discussion of all options and any dissenting opinions or other disagreements.
- iv. Changed to add a clear requirement that a draft IEP *must* be provided five days in advance to the parents.
- v. Clear that a separate 504 plan should be created.

V. SSM changes (not Issue specific, for those see below) should:

- a. Add “IEP notes” into the main body of the IEP so they are not separate notes and so that they automatically print out with rest of the IEP.
- b. Reinstate “compensatory education” Y/N box on the main CPS IEP document so parents know it can be available if needed. If checked “Y,” then the compensatory education document in SSM will automatically open.
- c. Create a way for IEP teams to request a SSM change directly. Right now only the “SSM Team” (ODLSS and law dept) can request “system enhancement or configuration change.” Consequently, the people best situated to suggest changes or identify problems (the people actually using it in the schools) have no way to directly communicate issues of concern. The call line for tech support is not a means for regular staff to point out SSM design issues. Further, the monthly meeting with a CTU committee is not sufficient.[CPS 001403; CPS001300]
- d. Log SSM Help Line calls by issue area and resolution.
- e. Post any policy or SSM change on the CPS website (in an easily accessible area) and widely disseminate to all parents prior to implementation.
- f. Modify the drop down menu to include the ability to add options for any drop down rather than being limited by the likely options.

VI. Other: all CPS parents (not just special education) should be given notice of the Inquiry Team findings and any ISBE corrective action and told they may be eligible for compensatory education funds, with an apology from the CEO. Other actions that need to be taken include:

- a. Provide to the ISBE appointed monitor, and post publically, a copy of the "guidelines" for recommended service minutes as referenced in the appeals document.
- b. Make printed copies of the ISBE-created “Educational Rights and Responsibilities” booklet available at every school.
- c. Conduct trainings regularly to all parents on CPS policies and procedures.

Remedies Specific to Issues 1 and 2:

I. Decision Making Authority changes need to include:

- a. Either expand the number of District Representatives so they can actually attend meetings or assign the LEA representative role to the principal or case manager, and train them accordingly.
- b. Remove the ability of one person to override a team decision by consensus.
- c. Give the person who signs in as the LEA representative at the meeting actual authority to commit resources, not conditional or situational.

II. Locks and Blocks: there should be no separate, out-of-IEP documents that need to be finalized prior to IEP questions or sections being allowed to open.

- a. These locks create situations where decisions are being made prior to IEP meetings and amongst people who are not always part of the IEP team.
- b. These decisions are also made without including all IEP team members, such as the parents.
- c. Instead, all options need to be included in the IEP document for the team to discuss and determine together.
- d. This means all available IEP sections will also appear on the draft of the IEP that parents can request prior to a meeting.

III. Data collection: to the extent that it is still required by the PM, the following changes should be made:

- a. With the ten day notification of conference that parents receive, include a list of areas requiring data collection and a check box indicating whether or not data has been collected (e.g., paraprofessional support, ESY, SLD).
- b. If data has been collected, provide that data to parents 5 days prior to the IEP meeting. Include the draft sections of the IEP that have been completed.
- c. Clarify as part of district policy that the draft IEP *must* be provided five days in advance to parents.
- d. **Aides-** make aide documentation less onerous:
 - i. In the IEP itself.
 - 1. Remove requirement that there needs to be a new rationale for a dedicated aide for every setting and every task.

2. Data should just be per subject area for academic aide tasks or per setting (general education, special education) for behavior aide tasks.
 - ii. In the pre-IEP data collection:
 1. Remove the requirement that they need to collect aide data for 5 days each for **each** setting where an aide is wanted.
 2. Data should just be per subject area for academic aide tasks or per setting (general education, special education) for behavior aide tasks.
- e. **ESY** needed changes include:
- i. Remove “probable mastery of goal during ESY” language in ESY critical skills section.
 1. Otherwise it implies that if they cannot master it, then there is no value in trying to master it or make progress over ESY.
 2. Standard should be: will make progress on goal versus will regress on goal.
 3. Should not require mastery.
 - ii. ESY data should be collected for all students – otherwise parents cannot even have a discussion about it and then it is too late to consider it.
 - iii. Allow access to all ESY forms all school year and all summer – critical skills, summer regression, winter regression, etc.
 - iv. Remove all date blocks in the ESY section.
- f. **TDS/Residential Placement** needed changes include:
- i. Eliminate all date-window restrictions and/or other blocks, and auto-populated language.
 - ii. Remove 5 weeks data requirements and remove requirement for FBA/BIP. (Ignores that some TDS are not for ED kids.)
 - iii. This should be an IEP team LRE decision just like all other LRE decisions.
 - iv. If CPS wants the District Representative to help facilitate after transportation is given, put in PM that the CM should contact the DR after the decision to let him or her know.
 - v. Eliminate all date-window restrictions and/or other blocks, auto-populated language within the SSM system so that the IEP Teams are free to add appropriate services and the IEP document accurately reflects the decisions by the IEP Team.
 - vi. There should be an option in which the team can override any data requirements based on consensus team judgment if the data is partially available or supportive, but not entirely, or if exigent circumstances require a decision before adequate data can be gathered. Any rule that says “something will never be allowed unless” is a presumptive violation of the IDEA requirement that decisions be individualized and a violation of 504.

- g. **Specific data requirements for a certain number of days of data** must be provided for decisions such as LD Eligibility, ESY, 1-1 aide assignments, and therapeutic placement, shall be explicitly identified as a best practice to be completed when possible, but **not** a requirement for moving forward with the decision making process or for deciding if a student is eligible for the proposed service.
- h. **Any data requirements shall include criteria** for the type of data being sought, the means of gathering the data, and the relevance of the data to the ultimate decision.
- i. All data requirements shall make clear that the **quantitative data is only one source of information to be considered** and shall not be the sole basis for deciding if the service should or should not be provided.

Remedies Specific to Issue 3:

- I. **Appeal rights:** During the course of a school year individual schools will have the right to appeal to CPS Office for Diverse Learners or its designated network representative for additional special education funding or positions based on decisions relating to services made by appropriately constituted. (See CPS FY 17-18 Budget Book pages 215-218.) IEP teams for enrolled students with IEPs or for students with disabilities who have transferred into the school. The following are the requirements:
 - a. These appeals can be made by the principal of a school or by the Chicago Teachers Union representing the majority of special education workforce at the school, or jointly by the principal and the CTU.
 - b. The burden of proof will be on the CPS Office for Diverse Learners or the designated network representative in all situations of denials of appeals.
 - c. The decision will be written.
 - d. The decision will be made public on the CPS website within five calendar days.
 - e. The originators of the appeal will have the right of appeal to the Monitor for a final determination.
 - f. That appeal will be decided by the Monitor within 20 days in writing, with ISBE determining the format for any such appeals.
 - g. This decision will be made public on the ISBE website within five calendar days.
 - h. The Monitor ruling will be non-appealable.

II. If a position allocation request is denied:

- a. The Monitor will be able to hear the appeal (as detailed above).
- b. If the Monitor upholds the position denial, the Monitor must be able to explain specifically how FAPE will be provided to all students at the school with the existing resources, taking into account ISBE's special education class size and the 30% ratio rule regulations.

III. Other Necessary Remedial Requirements:

- a. Remove dedicated paraprofessionals from the appeal process entirely. Para professional positions/budgets should not need to be "appealed" in the same way as teacher position appeals.
- b. Do not link the special education services to the general education budget in appeals.
 - i. Do not ask how spending general education money in appeals requesting more special education money.
- c. Fund the case management position at each school so it does not come out of the school's already bare bones student-based budget.
- d. Provide compensation or extra preparation periods for special education teachers / clinicians to write IEPs.
- e. The Monitor will work with the Advocates to design a method to fill special education vacancies throughout the system, including but not limited to:
 - i. Providing district financed licensure and endorsement opportunities to Teachers and PSRPs to become Special Education instructors and receive emergency credentials while working towards course completion.
 - ii. Earmarking TIF surplus dollars for providing special education needs prior to using them for any other projects or developments.
 - iii. Reviewing the district's hiring practices to determine the extent to which Networks or principals are interfering with filling special education vacancies.

Other Necessary Section 4 Remedial Requirements

I. Requested remedies include:

- a. Remove the requirement that the DR is ever needed to approve transportation for any particular situation.
- b. Remove the timeline question for transportation; it should always last the length of the IEP and can be revised and taken out if the situation changes similar to every other service.

- c. Delete the phrasing about different pick-up/drop-off being required for FAPE. ISBE has stated clearly that the IEP team does not have to establish this evidence. Also remove this wording in the procedural manual.
- d. Add the purple form to the website and/or link it directly to the form on the SSM if the drop box for different pick-up/drop-off is selected.
- e. Clarify on the purple form that it applies to both Head Start and other community-based child care.

The Advocates greatly appreciate the ISBE's review of the much-needed remediation of CPS' broken system. While there remain multiple other issues that remain unaddressed by the ISBE Inquiry, the Advocates have limited their remedies to only the four issues before the Inquiry Team.



Attorneys at Law
155 North Michigan Avenue
Suite 715
Chicago, IL 60601
(866)787-9270 fax (312) 729-5479
www.mattcohenandassociates.com

Matthew D. Cohen
Bradley J. Dembs*
Kimberley K.W. Milburn

Paralegals/Advocates:
Elizabeth Hooper
Tami Kuipers
Annmarie Robinson

Stephanie Jones
General Counsel
ISBE
By Email

May 4, 2018

Stephanie,

The Advocacy Group is appreciative of your interest in getting our feedback, the time you took to meet with us last week, and the apparent commitment you have to dealing with the serious systemic problems that the Panel found were present in CPS. Since our discussion with you, we have had the opportunity to reflect on your comments, concerns and ideas and want to provide you with feedback that we hope will help to shape your proposals to the board.

At the outset, we wish to reiterate and expand on the serious concerns we have with respect to CPS' commitment to remedying this egregious situation. We believe that CPS is not acting in good faith in their public comments and actions in the lead up and response to the Inquiry Panel's findings. Our concerns include the following:

- 1) The February 2018 Policy Manual developed without input from parents and teachers, still has many areas of non-compliance or confusion, and has not been disseminated broadly;
- 2) The only outreach from CPS that has occurred (and been referenced by CPS) has been the convening of one meeting of a parent group. This group was convened through a secret process that did not allow for the participation of all that wished to participate, at least one vocal parent was excluded from

Naperville Office: Main Street Promenade, 50 S. Main Street, Suite 200, Naperville, IL 60540

Skokie Office: 5250 Old Orchard Road, Suite 300, Skokie, IL 60077

Web: www.mattcohenandassociates.com ♦ **Blog:** disablethelabels.com ♦ **Facebook:** Matt Cohen & Associates

*Licensed to practice in Michigan. License pending in Illinois. All legal services undertaken in association with Matthew D. Cohen, pursuant to IRPC Rule 5.5(c)(1).

membership, and the meeting was only opened to the public after parents complained. Further, Director Keenan has opined that this group will be the primary vehicle for outreach to the parent community, even though it was not widely publicized and is not representative of the parent community at large;

- 3) CPS has touted the hiring of three people to serve as facilitators or ombudsmen for parents. While we have insufficient knowledge to assess the ability of the three individuals, CPS represented that they would all have children in CPS. It is our understanding that not all of them do and that one only recently moved here. We question how they can be effective if they are new to the system. We also are concerned that CPS has had parent ombudsmen in the past who have been more of an arm of the administration than vigorous, independent advocates for parents and children with disabilities;
- 4) Perhaps most concerning, data we have gathered from a survey we are conducting indicate widespread continuing CURRENT problems in all areas that we addressed in our initial complaint. The survey of CPS parents was opened last week and is not yet closed, but preliminary data indicate massive problems as follows:
 - a) transportation delayed or denied due to insufficient data or DR absent:
284
 - b) ESY denied due to insufficient data or DR absent :
305
 - c) therapeutic day school denied due to insufficient data or DR absent:
347
 - d) para-pro denied due to insufficient data or DR absent :
622
 - e) SLP eligibility denied due to insufficient data or DR absent:
326
 - f) computerized IEP system wouldn't allow the team to enter something that the IEP team agreed on:
518
 - g) Student denied sp ed service that was in their IEP (e.g. aide, instruction by sped teacher, related due to school budget insufficient to hire staff
953

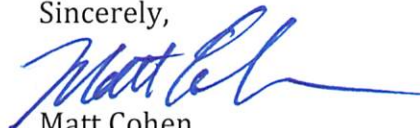
We raise these concerns because we believe they highlight the necessity of a well-developed and robust remedial and monitoring process. The memorandum that is attached delineates a variety of suggestions and concerns for addressing the remediation we believe is necessary to secure systemic compliance from CPS and address the need for compensation to remedy the losses children experienced.

We would also appreciate a response from you with respect to my prior request for live access to the upcoming board meeting through a location in Chicago. We are somewhat confused as to why it was possible to have a group video process for the last meeting, but not for the upcoming meeting. We have

many members that are interested in being present or participating in the board meeting that are unable to go to Springfield to do so.

Thank you for your consideration of these suggestions and your efforts on behalf of children with disabilities in Chicago. We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Cohen", with a long horizontal flourish extending to the right.

Matt Cohen
on behalf of the Advocacy Group

CC: The Advocacy Group
Attachment

MEMO

TO: Stephanie Jones, General Counsel for ISBE
FROM: Matt Cohen, on behalf of the Advocacy Group
RE: Remedial plan for CPS
DATE: May 4, 2018

This memorandum sets out further ideas and concerns that the Advocacy Group wishes to share in relation to possible remedies for CPS' systemic violations of the IDEA. It is in part in response to our discussions with you, in part based on our growing concern about CPS' continuing violations and lack of good faith in their current actions and in part based on our having had additional time to discuss a remedial structure. Please contact us if you have any questions or wish to discuss these concerns further.

I. ROLE/FUNCTION OF MONITOR:

- a) We appreciate ISBE's recognition that CPS requires monitoring as a critical part of a remedial plan. However, it is unrealistic for a single person, let alone several people, to be expected to conduct vigorous monitoring, not to mention also perform the Technical Assistance tasks that you envision. We think it is essential that there be multiple people assigned to support the monitor. Notably, the Corey H. monitor, in conjunction with ISBE staff, had from 3 to 8 staff at any given time. While we support the many different activities that you described the monitor as being responsible for, it is not realistic to for one or even several people to adequately take on all of those tasks. We believe there should be at least 3 full-time people engaged in as the monitoring team and 2-3 people involved in technical assistance;
- b) We applaud the apparent recognition that a change of philosophy and mode of operation within CPS is needed. However, we believe that it is unrealistic and actually problematic to combine the monitoring/enforcement role with the technical assistance role. Doing so puts the individual in those roles in any impossible position, where they are trying to "model" best practice, as you referred to, while also engaging in a compliance role that could at times produce hostility and push back.
- c) We are disappointed by the plan to have a monitor in place for only three years. As you recognized, CPS requires a massive, systemic changes in values, practices and procedure. We think it is unrealistic that the need changes can be accomplished in three years, and, in the event that they were institutionalized, it would take at least another year for verification. Thus we urge you to consider a longer monitoring period. In the event, if you maintain the three years as the initial period, we recommend that there be a mechanism for review at the end of the three years that includes recommendations from the monitor, full transparency and open dialogue with the Advocacy Group as to whether appropriate progress has been made to warrant discontinuation of the monitor. We reiterate our

- recommendation that the monitor be appointed for 5 years, with possible extension beyond that period.
- d) Finally with respect to the monitor process, we believe the role of the monitor and a mechanism for enforcement need to be more clearly delineated. We think the monitor's authority has to be very clear, both in relation to the ability to timely access staff, schools and information, and the ability to require compliance by CPS in relation to required changes in policy and procedure.

II. COMPENSATORY EDUCATION:

This is a complex issue, but the need for compensatory education is absolutely clear. In that context, we believe that the different forms of harm that children and their families suffered are neither easily quantified nor easily remedied. Further, we believe that the impact of the varying deprivations varied in their consequence for the affected children. For example, loss of transportation may have affected some children minimally because their parents transported them, but have been highly burdensome to their parents, while other children may have lost access to an appropriate program altogether due to CPS' refusal to provide transportation. Given these complexities, we believe the compensatory plan should be developed carefully and with greater consultation with the Advocacy Group and compensation experts. That said, we believe there should be guiding principles in the development of the compensatory plan:

- a) CPS should be strictly liable in relation to all of the areas where non-compliance was identified by the Inquiry Panel.
- b) There are differing levels and types of harm. Monetary compensation may be the most feasible form of compensation for some forms of harm, whereas provision of compensatory services may be necessary for other forms of harm. For example, it may be impractical to measure impact or value loss for the loss of transportation, particularly where it did not result in a loss of access to a needed program. In these instances, a lump sum payment to the family may be indicated. By contrast, a child that was denied a 1-1 aide or therapeutic day school placement may require more extensive compensatory services.
- c) To promote efficiency and minimize overall costs, some compensation should be determined as group-based, and others individually.
- d) In no event should any group-based compensation be regarded as in lieu of or a waiver of the right of a family to pursue individual compensation. However, any group based compensation and individual compensation should not be duplicative. Any group award would be subtracted from any individual compensation.
- e) The monitor should not be responsible for administering the compensatory program, though they should have responsibility for assuring that it is operating according to any agreement that is reached and report to ISBE and the Advocacy Group if it is not operating properly.

- f) A mechanism needs to be developed for implementing the compensatory process, including identifying which children were harmed by each violation, the scope of their injury and whether they are entitled to group based or individual compensatory damages or both, and how much those compensatory damages should be. This must be done in conjunction with the Advocacy Group. However, we do not believe that it is efficient or a wise use of funds to either have the monitor responsible for administering compensatory services or to create a separate administrative or adjudicatory structure for this purpose. Group based compensatory services should be determined with the parties up front and individual compensatory relief for those that suffered more severe harm must be decided through the ISBE due process procedure, but with the strict liability requirement referenced above.
- g) We also believe that there can be group categories identified as priorities for compensatory service, such as schools that had open positions for special education teachers, aides and related service providers, those children identified as impacted by denials of budget appeals, denied 1-1 aides, or denied therapeutic placement. There may be other group categories, such as transportation where a several hundred dollar payment is appropriate or such as ESY where a fixed number of weeks of extra ESY is awarded for those students denied service.
- h) While there may be some compensatory decisions that can be embedded in the IEP process, there needs to be a separate process to determine which areas of violation merit broad awards (for example, should any child that experienced denial of ESY automatically receive an extra two weeks of ESY or the family of any child denied transportation should be awarded a lump sum of X dollars) versus those that require individual determination.
- i) While your concerns about a fixed dollar amount are legitimate, a minimum CPS commitment of \$10,000,000 is appropriate, with a direction that there is no fixed ceiling on the compensatory services or money that must be provided. The \$10,000,000 is actually likely very low relative to the range of deprivations that occurred. Further, we note that CPS acknowledged annual cuts in special education funding in excess of \$20,000,000 and/or 4% of the total budget for the 2016-17 year and these cuts remained in force for the 2017-18 school year. As such, the \$10,000,000 is likely a drop in the bucket relative to the actual damages incurred.
- j) CPS must (loudly) notify all parents of students with IEPs for the time period covered of the ISBE findings, the areas where non-compliance was found and the right to pursue compensatory damages, the mechanisms for doing so and provide names of agencies to receive low cost or no cost legal representation.

III. TRAINING

- a) We believe that there is no substitute for in person training, that it needs to be mandatory for staff and that it needs to be ongoing rather than a one-time occurrence.
- b) We believe that train the trainer and webinar training programs are not effective and should not be a substitute for live, in depth training.
- c) We urge that there be some form of assessment required of individuals being trained to assure mastery of the material, and related school-based assessment to assure that training is being translated in to practice.

IV. ISBE MONITORING AND PROCEDURAL COMPLIANCE

- a) ISBE will need to double the number of hearing officers in order to address the increased litigation that is likely as a result of these violations and the Panel findings.
- b) CPS and/or ISBE should provide \$500,000 annual grants to at least three Illinois not-for-profits for parent training AND advocacy to increase the ability of parents to know their rights, access the due process system and secure compensatory services.
- c) The statute of limitations should be stayed for any violations from 2015-16 through the 2017-18 school year.
- d) CPS must be required to (loudly) provide written notice to all parents of students with IEPs advising them of the findings of the Inquiry Panel, their rights to compensatory relief, their right to due process for any individual harm to their child and advising them of advocacy services.

From: Chris Yun
To: [GALLOWAY KATHERINE](#)
Subject: Contact Board Members: All Board Members, May 6 State Journal-Register: Independent monitor needed for CPS special education
Date: Tuesday, May 08, 2018 3:09:02 PM

Dear Dr. Smith, Chairman Meeks, and Members of the Board:

Thank you for your interest and attention in the ISBE Public Inquiry into Chicago Public Schools' (CPS) special education policies and practices. As one of the signatories of the November Open Letter to the Board, we were pleased that the Inquiry Team's fact finding resulted in findings consistent with our allegations that CPS violated the rights of students with special education needs by systemically imposing policies that delayed and denied legally-mandated services.

Now we would like to ask the Board to ensure that these violations do not continue to occur. The Advocates have delivered our recommendations for remedies to General Counsel Stephanie Jones and have been assisting her with the recommendations to the Board.

Please note the below State Journal-Register letter from Access Living President Marca Bristo as our voice to urge you to appoint an Independent External Monitoring Team to bring CPS into compliance.

Letter: Independent monitor needed for CPS special education

Parents and advocates for special education in Chicago Public Schools have long been frustrated in securing services disabled students are guaranteed by law.

In 2016, a CPS internal report determined it had too many students with disabilities. CPS then revamped special ed guidelines behind closed doors.

Parents faced a maze of new rules and forms. CPS staff were confused. Essential services were delayed and denied with lasting consequences for students. Parents and advocates asked the Illinois State Board of Education to launch an inquiry into special education practices at CPS.

ISBE issued findings April 18 that cited "systemic problems" with special education in CPS that "delayed and denied" services to children. ISBE will soon issue mandatory corrective actions.

Advocates are asking ISBE to designate an independent monitoring team to oversee CPS' progress toward ensuring special needs students receive what they are guaranteed under federal law. CPS opposes this, and says any costs from implementing changes should be paid by state and federal governments.

CPS CEO Janice Jackson asks us to rely on her good faith and commitment. We won't question that. But her repeated insistence that CPS initiated the ISBE inquiry raises questions about her credibility, and an off-mic comment, "This is so stupid" ([reported by Chicago Tonight](#)) gives us further pause.

ISBE stepped up for students and conducted a thorough, professional and impartial inquiry into CPS. We ask for one more step to give real meaning to its work: appoint an independent monitor.

The futures of thousands of disabled kids depends on it.

Marca Bristo

President & CEO of Access Living

Link to the Letter: <http://www.sj-r.com/opinion/20180505/letter-independent-monitor-needed-for-cps-special-education>

Best regards,

Chris Yun
Education Policy Analyst
Access Living of Metropolitan Chicago
115 West Chicago Avenue
Chicago, Illinois 60654
www.accessliving.org
Ph: (312) 640-2134
Fax: (312) 640-2139
E-mail: cyun@accessliving.org

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May 9, 2018

Dr. Tony Smith
State Superintendent of Education
Illinois State Board of Education
100 N. 1st Street
Springfield, IL 62777

James T. Meeks
Chairman
Illinois State Board of Education
100 N. 1st Street
Springfield, IL 62777

Members of the Illinois State Board of Education
Sent via Katherine Galloway
Services Coordinator
Illinois State Board of Education

Re: ISBE Public Inquiry into Chicago Public Schools' Special Education Program

Dr. Smith, Mr. Meeks, and Members of the Board:

This letter is being sent in response to the Inquiry Team's *Final Report of Public Inquiry*, dated and presented to the Illinois State Board of Education (ISBE) on April 18, 2018. The Advocates Group¹ appreciates ISBE's efforts in conducting the Inquiry into Chicago Public School's (CPS) special education program. However, we wish to make clear to the Board some of our concerns regarding the Inquiry process and final report. We also write to urge you to adopt our suggested remedies and to take bold action to bring CPS into compliance.

The Inquiry Team's Final Report Contained Some Important Flaws That Should Be Corrected.

First, we reiterate our concern, expressed several times to the Inquiry Team and ISBE's General Counsel during the Inquiry Process, that ISBE improperly limited the scope of issues for

¹ Signatories to the Open Letter Included: Access Living , Shriver Center on Poverty Law, Chicago Principals and Administrators Association, Chicago Teachers Union, Parents 4 Teachers, Ounce of Prevention Fund, Legal Council for Health Justice, Raise Your Hand for IL Public Education, LAF (Legal Assistance Foundation), Equip For Equality , Potter and Bolanos, LLC, Matt Cohen and Associates, and 19th Ward Parents for Special Education.

investigation. The Advocates' November 16, 2017 Open Letter was meant to call attention to the rampant legal violations the Advocates were witnessing at CPS and to urge ISBE to fulfill its oversight obligations. The Open Letter was not meant as a formal complaint; the problems mentioned were not an exhaustive list. The four issues identified for the Inquiry are of vital importance, but they do not fully capture the extent of the legal violations within CPS's special education program. Thus, any corrective action that focuses only on these four issues will also be inadequate.

Second, we repeat our objection to the Inquiry Team's dismissal of specific issues after the Inquiry had begun. We believe that Issues 3a, 3c, and 3d were improperly excluded from the Inquiry. It is not clear why ISBE excluded these issues without proper public evidence collection or ever providing a complete explanation of the factual and legal basis for ISBE's decision to tell the Inquiry Team to ignore issues concerning major budgetary practices. We also believe the Inquiry Team's decision to remove Issue 4b from consideration was erroneous. Parents and educators came forward to share stories about problems related to pre-K transportation, including CPS's unilateral removal of transportation outside of IEP meetings. Problems concerning transportation to and from pre-K programs persist. ISBE did, as the Inquiry Team noted, order systemic relief in a state complaint in July 2017, but only on the limited issue of pre-K transportation with different pick-up and drop-off locations; that issue is only one part of the larger pre-K transportation issues. Also, it is now 10 months later and we still have not seen evidence of CPS's compliance with ISBE's ordered changes. In the meantime, families are paying the price. Students are losing their pre-K placement and parents are missing work because they have to transport their children.

Third, the Inquiry Team's final report is overly generous in presuming CPS's past and future intentions. But there were no mistakes by CPS. The delay and denial of services to students with disabilities was the intended result of CPS's policy and practice changes, with the primary goal being cost savings at the expense of students with disabilities. The final report instead seems to view these events, without support, as innocent bureaucratic incompetence. This is despite media statements and other public comments by CPS where they admit that these efforts were attempts to save money. The words "confusion" and "confusing" appear fourteen times in the final report. "Confusion" diminishes the depth of the problem, suggesting that CPS's missteps stem from a lack of clarity and a lack of communication among administrators. In fact, there was intentional obfuscation at the public hearing and intentional implementation of policies that violate IDEA. The educational opportunities that have been squandered by CPS in its effort to cut costs demand remediation and vigorous oversight.

Fourth, while we agree with many of the findings in the Inquiry Team's final report, several aspects of CPS's special education policies and practices were overlooked or misunderstood. We detail some of these below:

- The Inquiry Team does not take a firm stand on whether or not the District Representative (DR) or principal should have veto power at an IEP meeting. According to IDEA, building an individualized education program (IEP) for a child is always a team effort. If one individual has the power to override the team consensus, then parents, teachers, and service providers are no longer equal members of the team.
- Several parts of the final report note the inconsistent and contradictory information given by CPS in the Inquiry regarding changes to policies and procedures. The factual findings in the Inquiry Report record significant uncertainty from Dr. Keenan and Ms. Gibbons about whether changes had been made or what changes would be made. (Final Report pages 10, 13, 27.) As a result, we disagree that these “changes” should be considered to have resolved the issue.
- The final report notes that the impact of the SSM systemic issue is that IEPs do not memorialize the team’s consensus or misstate the consensus (Final Report page 13.) But it fails to note that the more significant impact is that the services which are not recorded properly or finalized are then not provided to the student.
- The final report’s statement about the nature of the disagreement between the Parties related to data fails to state how CPS is or is not informing data collectors about the requirements and how the lack of data is being used to deny and delay decisions. (Final Report page 7.)
- The final report’s explanation of the issues with SSM and ESY fails to include instances where SSM blocks ESY beyond the stated dates. (Final Report page 8.)
- The final report discusses how the DR/principal role leads to delay. It suggests that teams wouldn’t call a meeting because it would be futile if they disagree with the DR or principal. (Final Report page 16.) This is accurate. But it fails to also include all the other ways that delay is caused by the required DR/principal approval. For example: it can be difficult to find a time to schedule with the DR/principal; or it’s scheduled but they do not come; or team members do not understand when the DR/principal is needed and so do not invite them; or the DR/principal says that the team needs to collect more or different data, even when the team feels they have enough.
- The final report fails to include findings regarding the actual impact of CPS’s Student Based Budgeting (SBB). SBB hurt students with disabilities by limiting schools’ resources to meet their education needs. CPS knowingly allocated insufficient amounts to schools for both general education and special education. Although CPS instructed schools to fund special education first, there was no distinction made on where those funds were to come from in the SBB process. Such lack of guidance created inappropriate pressure on individual principals of schools to contain or, in some cases, for IEP teams to write IEPs based on staff availability and not based on students’ needs. Despite supporting evidence provided from various stakeholders, the final report delineated its findings *only* from the evidence regarding denied appeals. The final report’s narrow approach assumes that the delay or denial of services occurred in the

appeal-denied schools only and ignores SBB's broad impact on all CPS schools by potentially limiting special education services in the district. There were likely other principals/schools that were unwilling to submit an appeal even though they needed more resources to fund special education services. It is wrong to assume that the only resource problems were those raised by the schools who appealed. The Inquiry Team didn't acknowledge this problem when they focused too narrowly on the appeals.

- The final report is silent on CPS's failure to provide a qualitative defense of its SBB system as not hurting special education services for students. Throughout the whole Inquiry process, CPS did not provide any evidence of any quality assurance efforts to make sure schools were meeting the needs of students with disabilities. The report's findings do not address the actual impact of the budget process on services and CPS's failure to provide a qualitative defense of the cuts as NOT hurting services. In effect, they adopted a formula to save money without regard to whether it hurt services. The motivation to save money overrode concern about providing adequate, appropriate and legally required services and/or that the decision hurt kids. The evidence presented in this process shows that CPS's SBB budgeting and appeal system was not an unintentional mistake, but a well-calculated cost saving measure.
- CPS's current written transportation policy says that if the student will be attending a charter, contract or "options" school, the DR must be a part of the IEP team or delegate authority to someone else. Otherwise, transportation cannot be added to the IEP. The Inquiry Team found that this written policy contradicted CPS's testimony about what their actual policy was regarding transportation, and the final report notes that CPS intends to correct these discrepancies. CPS was given the benefit of the doubt without reason. CPS has not, as far as we know, corrected these discrepancies despite their representations to the Inquiry Team.

CPS Must Be Held Accountable By ISBE.

CPS's response to the Inquiry Team's final report has only deepened our concerns. For example, instead of accepting the findings and moving towards remediation, CPS has made multiple statements indicating, falsely, that it was CPS that urged ISBE to complete the inquiry, when, in fact, the process pushed for by the Advocates and then initiated by ISBE. Both CPS CEO Janice Jackson and special education chief Elizabeth Keenan have attempted to distance themselves from the final report's findings by commenting publically that they were not at the helm of CPS when such policies were implemented in 2016. When in reality, they each held the number two position to their immediate predecessor in 2016. If the second-in-command doesn't find herself responsible, what hope do we have for systemic change within CPS? Also, they each have held their current positions for the majority of this school year, while the violations the Inquiry Team found continue to this very day. Their revisionist history shows that CPS's lack of accountability remains unchanged.

Finally, we want to make clear that these issues are far from fixed. CPS is currently engaged in a PR campaign to convince the public that they have responded already to the Advocates' and ISBE's concerns, and that they have already made a good faith effort to remedy the issues within their special education program. The Inquiry Team gave them the benefit of the doubt on some of the revisions they claimed to be in the works. But CPS's claims and promises are not backed up by action, for example:

- Administrators at the Inquiry's public hearing refused to provide straightforward answers to questions about data collection: are these provisions meant as requirements or just best-practice suggestions?
- CPS could not provide any evidence that they did, or will, work with schools to ensure that mandated IEP services are provided after a schools' budget or position appeals are denied.
- CPS refers, in the budget appeals decisions in evidence, to schools exceeding the "guidelines" for minutes recommended for different services. CPS did not provide the Inquiry Team with documentation of these internal guidelines.
- CPS told the Inquiry Team that it is considering changes to the paraprofessional justification process, but they would not guarantee that these changes are going to be implemented.
- CPS has announced plans to hire 65 new special education staff, but they already have hundreds of unfilled positions. These 65 positions are just a claw-back of a small portion of what schools already lost.
- CPS did not fully participate in this Inquiry. Despite demands from the Inquiry Team to publicize the public participation opportunities to parents and staff, CPS only sent a memo to principals after three of the community input sessions had already happened; the notice went out to principals on a Friday afternoon and included a comment that they had just learned about the participation opportunities.
- At present some parents, including one who testified at the Inquiry's public hearing, have been excluded from the much-touted Parent Advisory Council; others have been excluded even if no other parents from their network expressed interest.

CPS's claim that it is making changes to right their wrongs couldn't be further from the truth. The Advocates decided to let the CPS community tell the ISBE Board this from their experiences. After ISBE's April board meeting, we sent out a very limited survey to various stakeholders asking about current issues in delivery of services to CPS students with disabilities. The survey was only open from April 24th to May 4th – and we were overwhelmed with over two thousand responses from parents, educators and other community members. We have attached the results here. We urge you to review the disturbing results as shown by the charts. We also have 80 pages of moving comments from parents, educators, and other community members that we are happy to forward to you upon request. The information contained makes clear that action is urgently needed.

Anything less than bold and comprehensive reform will mean that ISBE has failed Chicago students with disabilities. We are attaching here our suggested remedies that we previously provided to the Inquiry Team and ISBE General Counsel. We are attaching our additional recommendations which we prepared after meeting with ISBE's General Counsel to amplify our suggestions for a monitor and compensatory education. These are critical elements which require adequate resources and a thoughtful process. Please contact the Advocate Representatives should you have additional questions.

Sincerely,

The Advocates Group

Advocate Representatives:

Matt Cohen
Matt Cohen & Associates, LLC
O: 866 787-9270
C: 312 961-4179
Email: mdcspedlaw@gmail.com

Olga Pribyl
Vice President Special Education Clinic
Equip for Equality
O: 312 893-7321
C: 312 995-3849
Olga@equipforequality.org

Ashley Fretthold
Supervisory Attorney
LAF
O: 312 229-6312
AFretthold@lafchicago.org

Terri Roback
terriroback@yahoo.com

TO: Stephanie Jones, General Counsel for ISBE
FROM: Matt Cohen, on behalf of the Advocacy Group
RE: Remedial plan for CPS
DATE: May 4, 2018

This memorandum sets out further ideas and concerns that the Advocacy Group wishes to share in relation to possible remedies for CPS' systemic violations of the IDEA. It is in part in response to our discussions with you, in part based on our growing concern about CPS' continuing violations and lack of good faith in their current actions and in part based on our having had additional time to discuss a remedial structure. Please contact us if you have any questions or wish to discuss these concerns further.

I. ROLE/FUNCTION OF MONITOR:

- a) We appreciate ISBE's recognition that CPS requires monitoring as a critical part of a remedial plan. However, it is unrealistic for a single person, let alone several people, to be expected to conduct vigorous monitoring, not to mention also perform the Technical Assistance tasks that you envision. We think it is essential that there be multiple people assigned to support the monitor. Notably, the Corey H. monitor, in conjunction with ISBE staff, had from 3 to 8 staff at any given time. While we support the many different activities that you described the monitor as being responsible for, it is not realistic to for one or even several people to adequately take on all of those tasks. We believe there should be at least 3 full-time people engaged in as the monitoring team and 2-3 people involved in technical assistance.
- b) We applaud the apparent recognition that a change of philosophy and mode of operation within CPS is needed. However, we believe that it is unrealistic and actually problematic to combine the monitoring/enforcement role with the technical assistance role. Doing so puts the individual in those roles in any impossible position, where they are trying to "model" best practice, as you referred to, while also engaging in a compliance role that could at times produce hostility and push back.
- c) We are disappointed by the plan to have a monitor in place for only three years. As you recognized, CPS requires a massive, systemic changes in values, practices and procedure. We think it is unrealistic that the need changes can be accomplished in three years, and, in the event that they were institutionalized, it would take at least another year for verification. Thus we urge you to consider a longer monitoring period. In the event, if you maintain the three years as the initial period, we recommend that there be a mechanism for review at the end of the three years that includes recommendations from the monitor, full transparency and open dialogue with the Advocacy Group as to whether appropriate progress

has been made to warrant discontinuation of the monitor. We reiterate our recommendation that the monitor be appointed for 5 years, with possible extension beyond that period.

- d) Finally with respect to the monitor process, we believe the role of the monitor and a mechanism for enforcement need to be more clearly delineated. We think the monitor's authority has to be very clear, both in relation to the ability to timely access staff, schools and information, and the ability to require compliance by CPS in relation to required changes in policy and procedure.

II. COMPENSATORY EDUCATION: This is a complex issue, but the need for compensatory education is absolutely clear. In that context, we believe that the different forms of harm that children and their families suffered are neither easily quantified nor easily remedied. Further, we believe that the impact of the varying deprivations varied in their consequence for the affected children. For example, loss of transportation may have affected some children minimally because their parents transported them, but have been highly burdensome to their parents, while other children may have lost access to an appropriate program altogether due to CPS' refusal to provide transportation. Given these complexities, we believe the compensatory plan should be developed carefully and with greater consultation with the Advocacy Group and compensation experts. That said, we believe there should be guiding principles in the development of the compensatory plan:

- a) CPS should be strictly liable in relation to all of the areas where non-compliance was identified by the Inquiry Panel.
- b) There are differing levels and types of harm. Monetary compensation may be the most feasible form of compensation for some forms of harm, whereas provision of compensatory services may be necessary for other forms of harm. For example, it may be impractical to measure impact or value loss for the loss of transportation, particularly where it did not result in a loss of access to a needed program. In these instances, a lump sum payment to the family may be indicated. By contrast, a child that was denied a 1-1 aide or therapeutic day school placement may require more extensive compensatory services.
- c) To promote efficiency and minimize overall costs, some compensation should be determined as group-based, and others individually.
- d) In no event should any group-based compensation be regarded as in lieu of or a waiver of the right of a family to pursue individual compensation. However, any group based compensation and individual compensation

should not be duplicative. Any group award would be subtracted from any individual compensation.

- e) The monitor should not be responsible for administering the compensatory program, though they should have responsibility for assuring that it is operating according to any agreement that is reached and report to ISBE and the Advocacy Group if it is not operating properly.
- f) A mechanism needs to be developed for implementing the compensatory process, including identifying which children were harmed by each violation, the scope of their injury and whether they are entitled to group based or individual compensatory damages or both, and how much those compensatory damages should be. This must be done in conjunction with the Advocacy Group. However, we do not believe that it is efficient or a wise use of funds to either have the monitor responsible for administering compensatory services or to create a separate administrative or adjudicatory structure for this purpose. Group based compensatory services should be determined with the parties up front and individual compensatory relief for those that suffered more severe harm must be decided through the ISBE due process procedure, but with the strict liability requirement referenced above.
- g) We also believe that there can be group categories identified as priorities for compensatory service, such as schools that had open positions for special education teachers, aides and related service providers, those children identified as impacted by denials of budget appeals, denied 1-1 aides, or denied therapeutic placement. There may be other group categories, such as transportation where a several hundred dollar payment is appropriate or such as ESY where a fixed number of weeks of extra ESY is awarded for those students denied service.
- h) While there may be some compensatory decisions that can be embedded in the IEP process, there needs to be a separate process to determine which areas of violation merit broad awards (for example, should any child that experienced denial of ESY automatically receive an extra two weeks of ESY or the family of any child denied transportation should be awarded a lump sum of X dollars) versus those that require individual determination.
- i) While your concerns about a fixed dollar amount are legitimate, a minimum CPS commitment of \$10,000,000 is appropriate, with a direction that there is no fixed ceiling on the compensatory services or money that must be provided. The \$10,000,000 is actually likely very low relative to the range of deprivations that occurred. Further, we note that CPS acknowledged annual cuts in special education funding in excess of \$20,000,000 and/or 4% of the total budget for the 2016-17 year and

these cuts remained in force for the 2017-18 school year. As such, the \$10,000,000 is likely a drop in the bucket relative to the actual damages incurred.

- j) CPS must (loudly) notify all parents of students with IEPs for the time period covered of the ISBE findings, the areas where non-compliance was found and the right to pursue compensatory damages, the mechanisms for doing so and provide names of agencies to receive low cost or no cost legal representation.

III. TRAINING

- a) We believe that there is no substitute for in person training, that it needs to be mandatory for staff and that it needs to ongoing rather than a one-time occurrence.
- b) We believe that train the trainer and webinar training programs are not effective and should not be a substitute for live, in depth training.
- c) We urge that there be some form of assessment required of individuals being trained to assure mastery of the material, and related school-based assessment to assure that training is being translated in to practice.

IV. ISBE MONITORING AND PROCEDURAL COMPLIANCE

- a) ISBE will need to double the number of hearing officers in order to address the increased litigation that is likely as a result of these violations and the Panel findings.
- b) CPS and/or ISBE should provide \$500,000 annual grants to at least three Illinois not-for-profits for parent training AND advocacy to increase the ability of parents to know their rights, access the due process system and secure compensatory services.
- c) The statute of limitations should be stayed for any violations from 2015-16 through the 2017-18 school year.
- d) CPS must be required to (loudly) provide written notice to all parents of students with IEPs advising them of the findings of the Inquiry Panel, their rights to compensatory relief, their right to due process for any individual harm to their child and advising them of advocacy services.

V. TRANSPARANCY: CPS should be required to itemize in the IEP all paraprofessional support minutes and instructional minutes requiring delivery from a special education teacher in any setting.

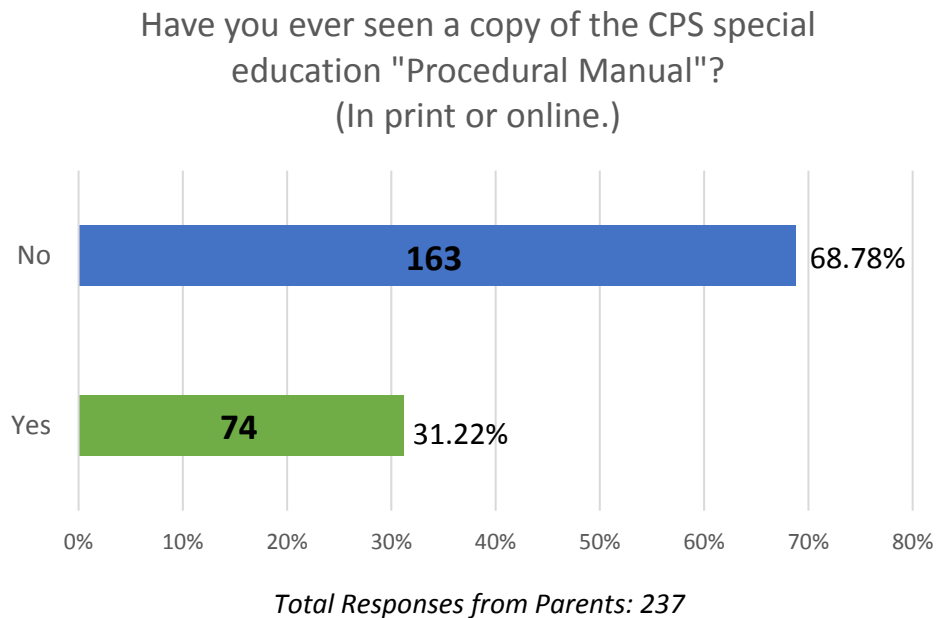
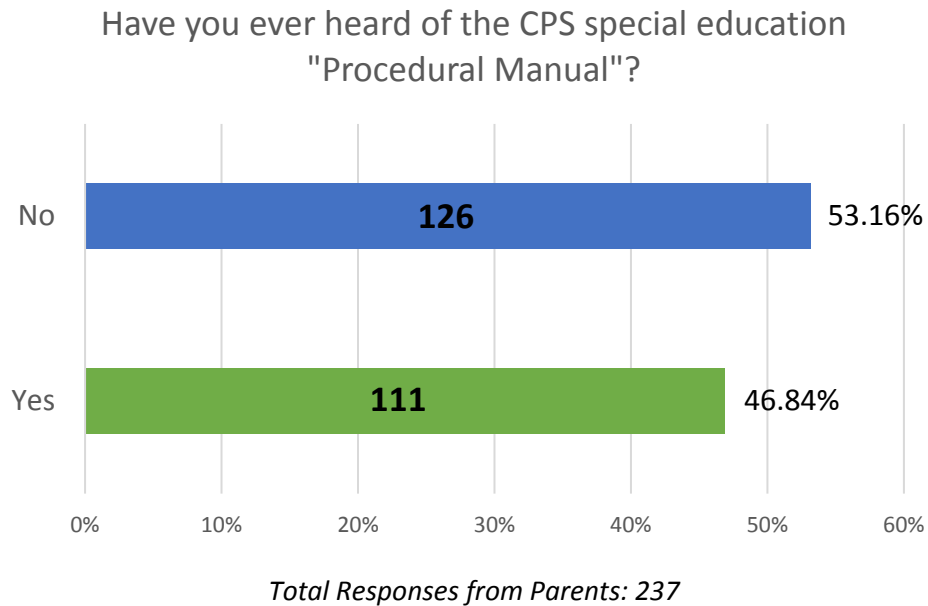
Final Report on “Current CPS Special Education Issues” Survey Results

May 9, 2018

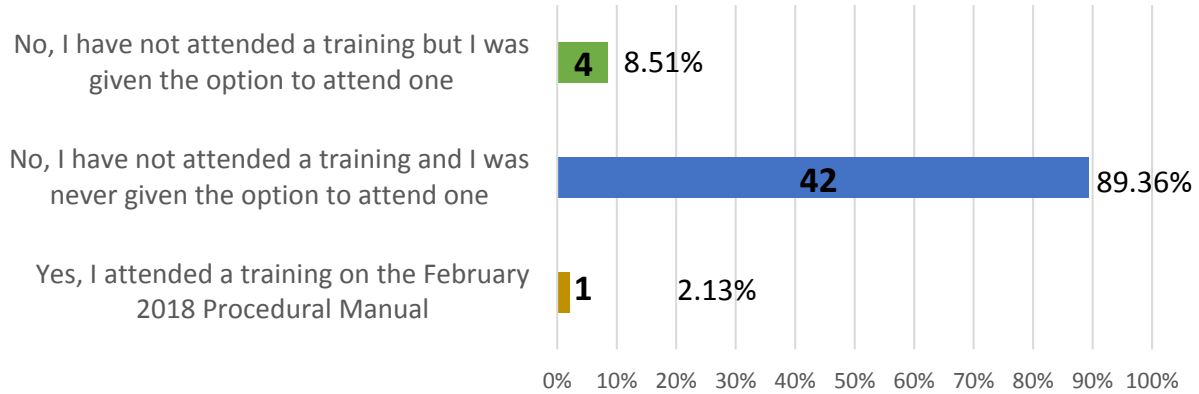
Survey instrument was prepared by the Legal Advocates and published on-line via SurveyMonkey through legal, teacher and parent advocacy networks. Survey was open from April 23, 2018 to May 4, 2018 and was available in English and Spanish. There were 2469 total respondents: 237 parents, 2000 teachers, 55 administrators, 2 students with a disability, 175 other (other and students with a disability data not included in this report).

Data for Parents

Total number of parents who took the survey: **237**

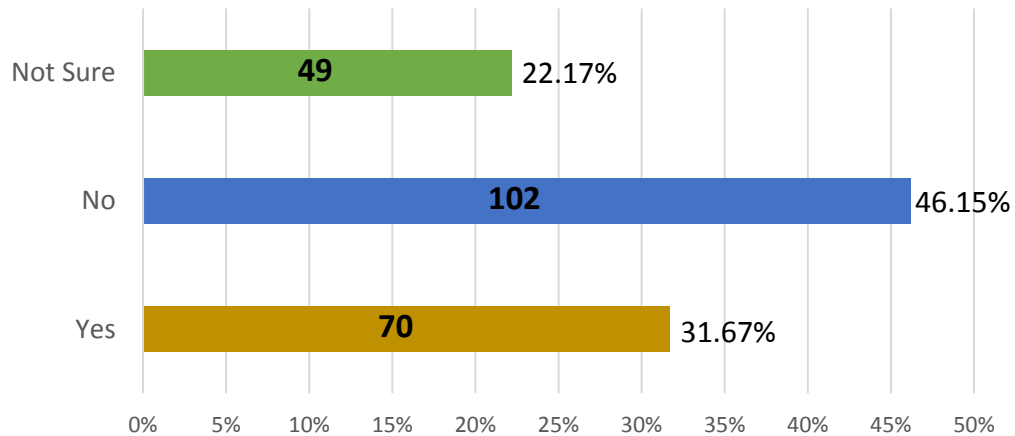


If you are a CPS teacher, administrator, or other staff: Have you attended a training on the new CPS special education Procedural Manual (dated February 2018)?



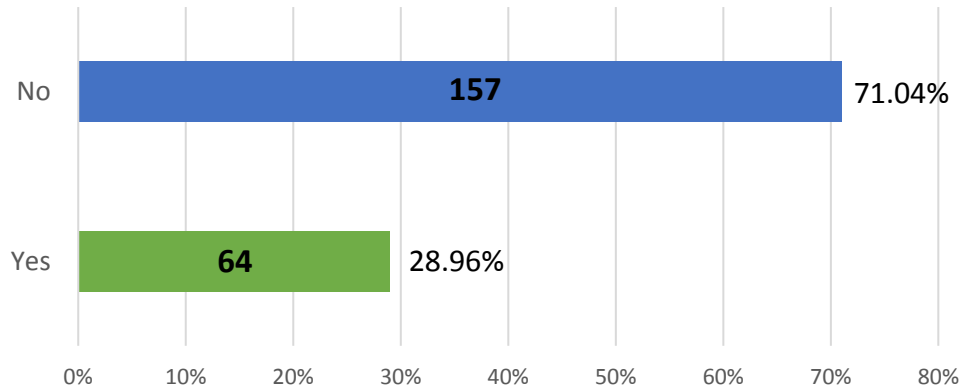
Total Response from Parents: 47 (this data reflects parents who are employed by CPS)

If you are a Parent of a CPS Student with a Disability: Is your child consistently receiving the services indicated on her/his IEP this school year?



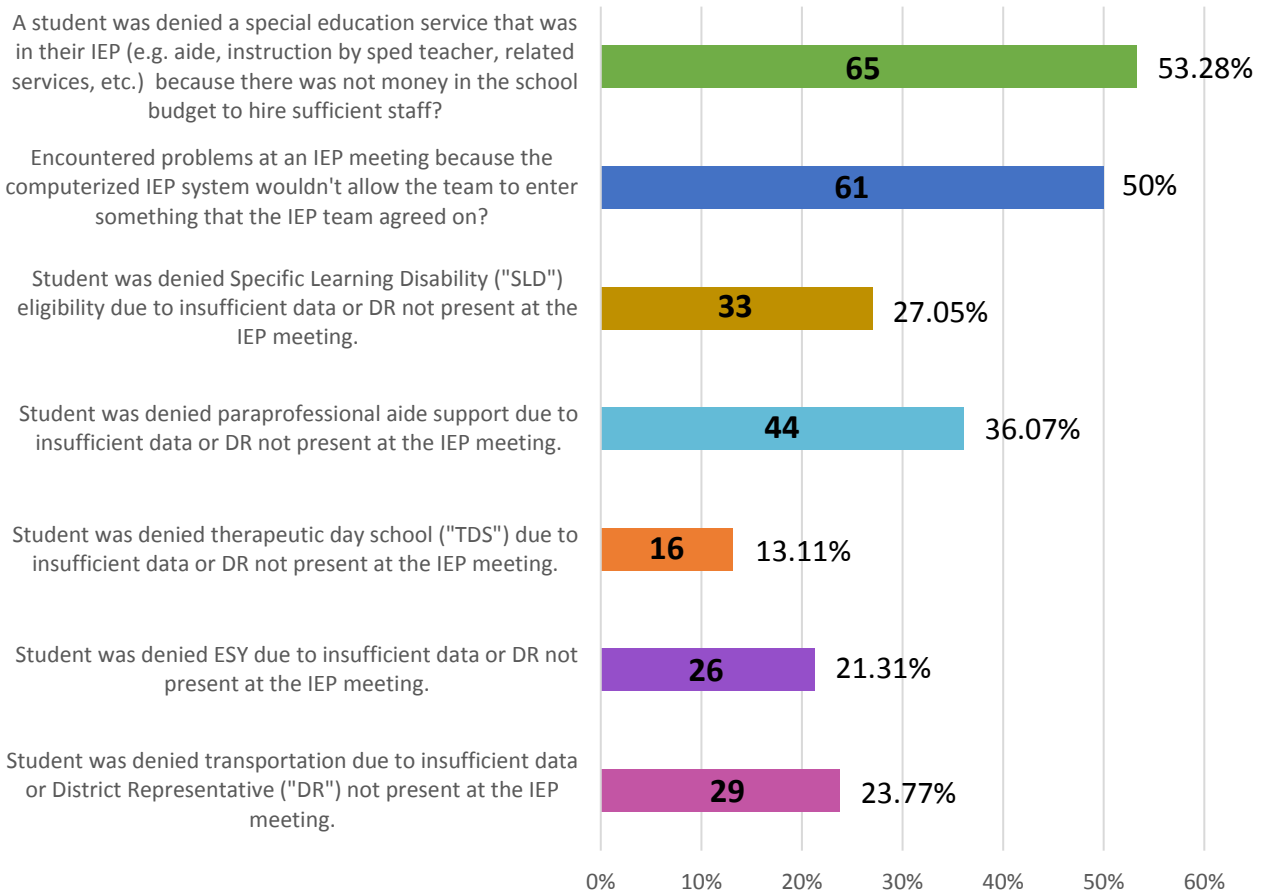
Total Responses Parents: 221

If you are a Parent of a CPS Student with a Disability: Have you heard of the new CPS Special Education "Parent Advisory Council"?



Total Responses from Parents: 221

For Everyone: Have you seen, this school year, the following issues (select all that apply):

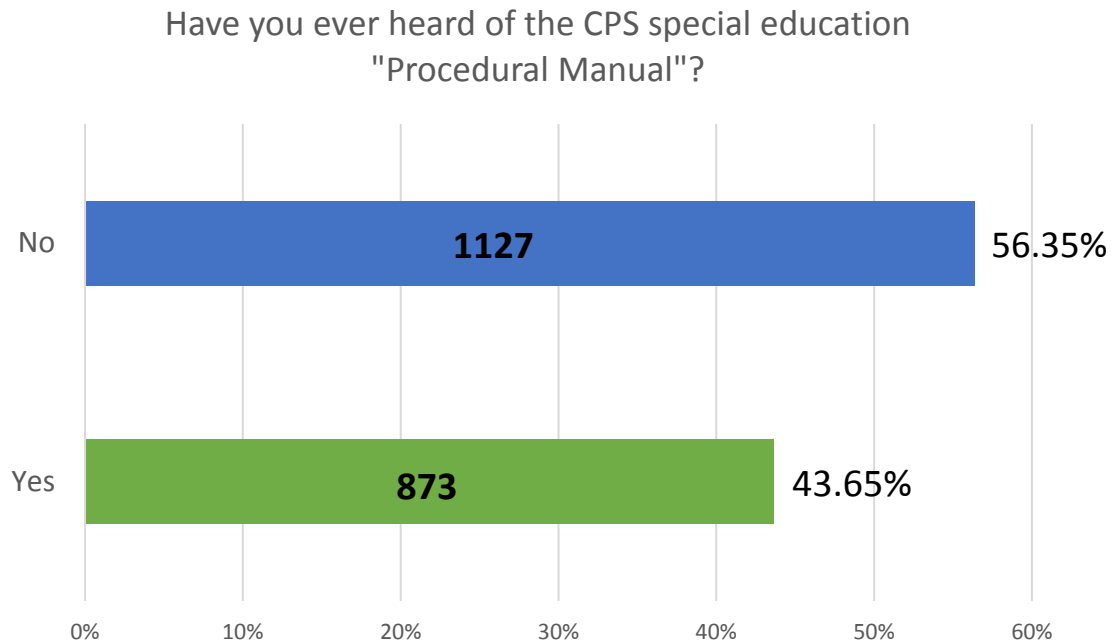


Total Responses from Parents: 122

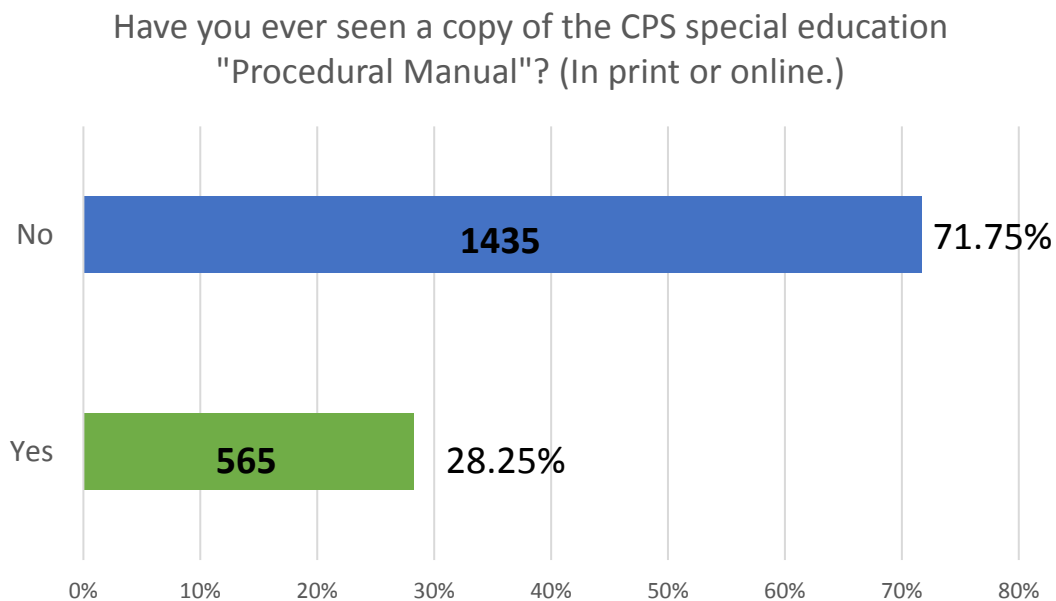
Numbers inside bars represent # of incidences based on 122 responses

Data for CPS Teacher or Staff

Total number of CPS Teachers who took the survey: **2000**

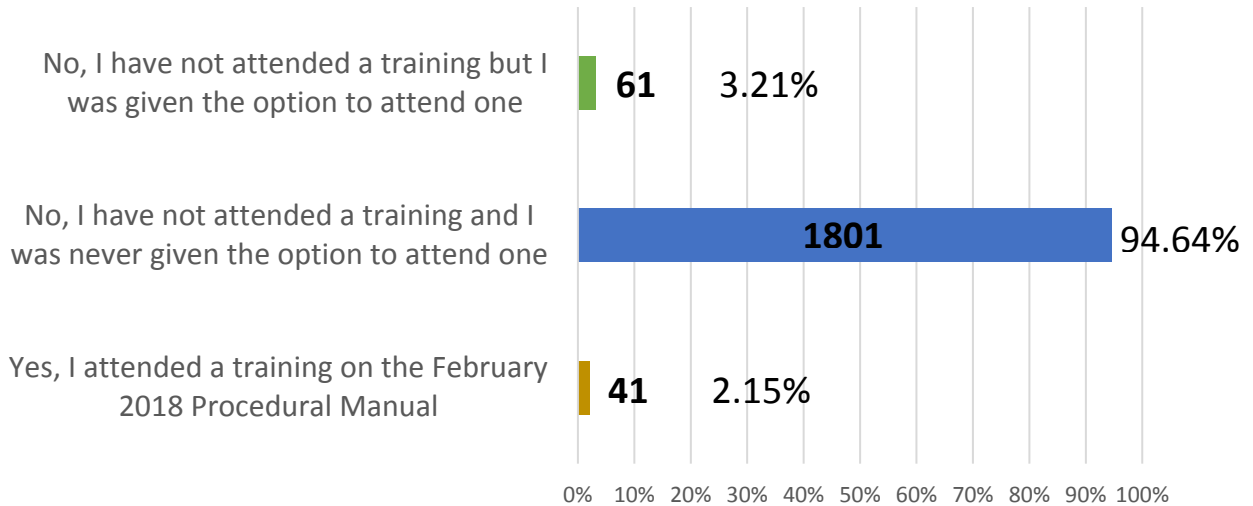


Total Responses from Teachers: 2000



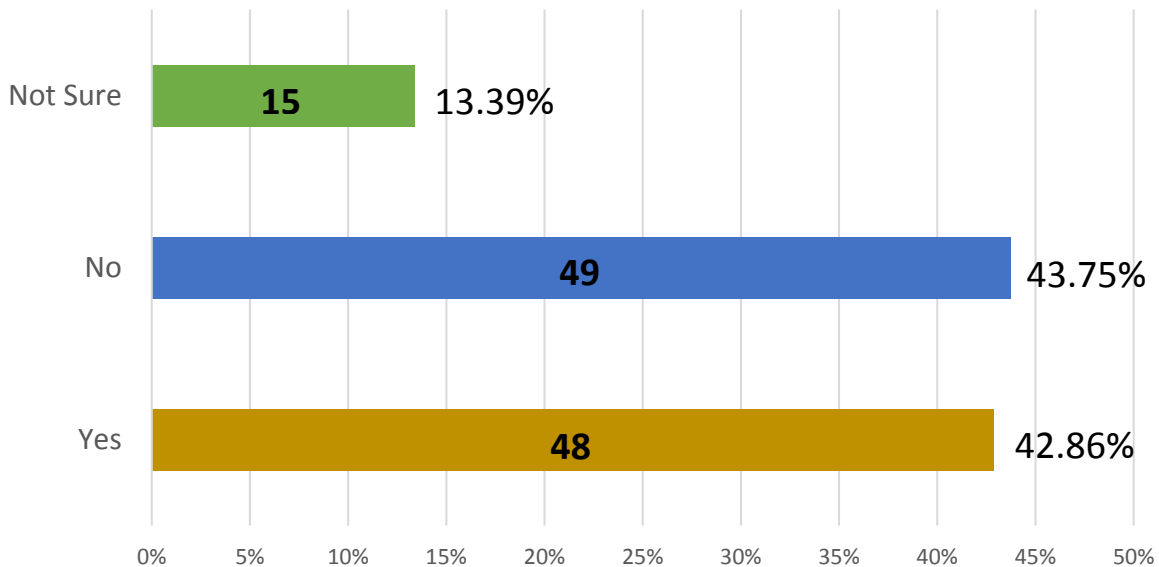
Total Responses from Teachers: 2000

If you are a CPS teacher, administrator, or other staff: Have you attended a training on the new CPS special education Procedural Manual (dated February 2018)?



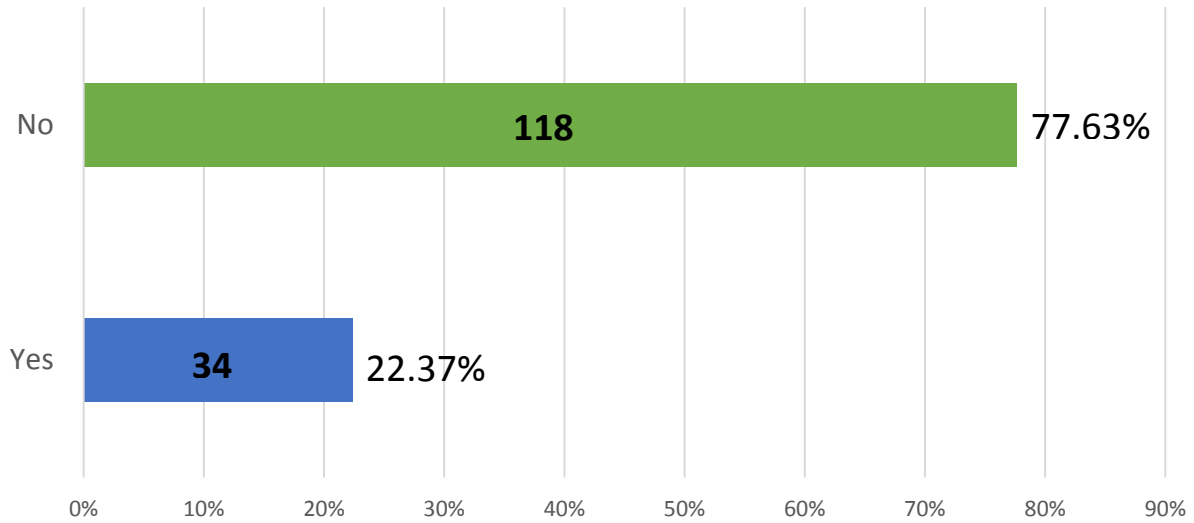
Total Responses from Teachers: 1903

If you are a Parent of a CPS Student with a Disability: Is your child consistently receiving the services indicated on her/his IEP this school year?



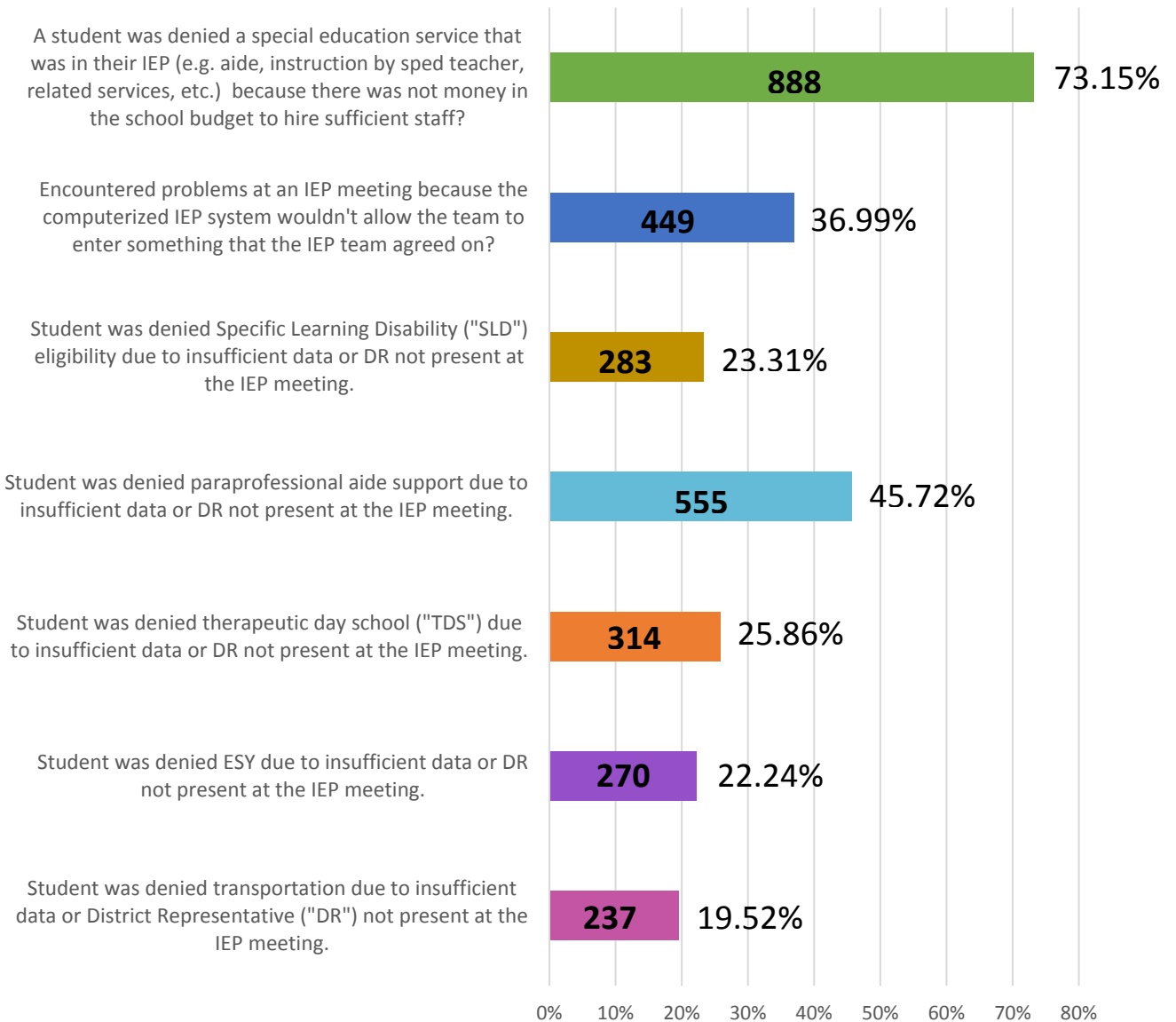
*Total Responses from Teachers: 112
(this data reflects teachers who are
CPS parents of students with
disabilities)*

If you are a Parent of a CPS Student with a Disability: Have you heard of the new CPS Special Education "Parent Advisory Council"?



*Total Responses from Teachers: 152
(this data reflects teachers who are
CPS parents of students with
disabilities)*

For Everyone: Have you seen, this school year, the following issues
(select all that apply):

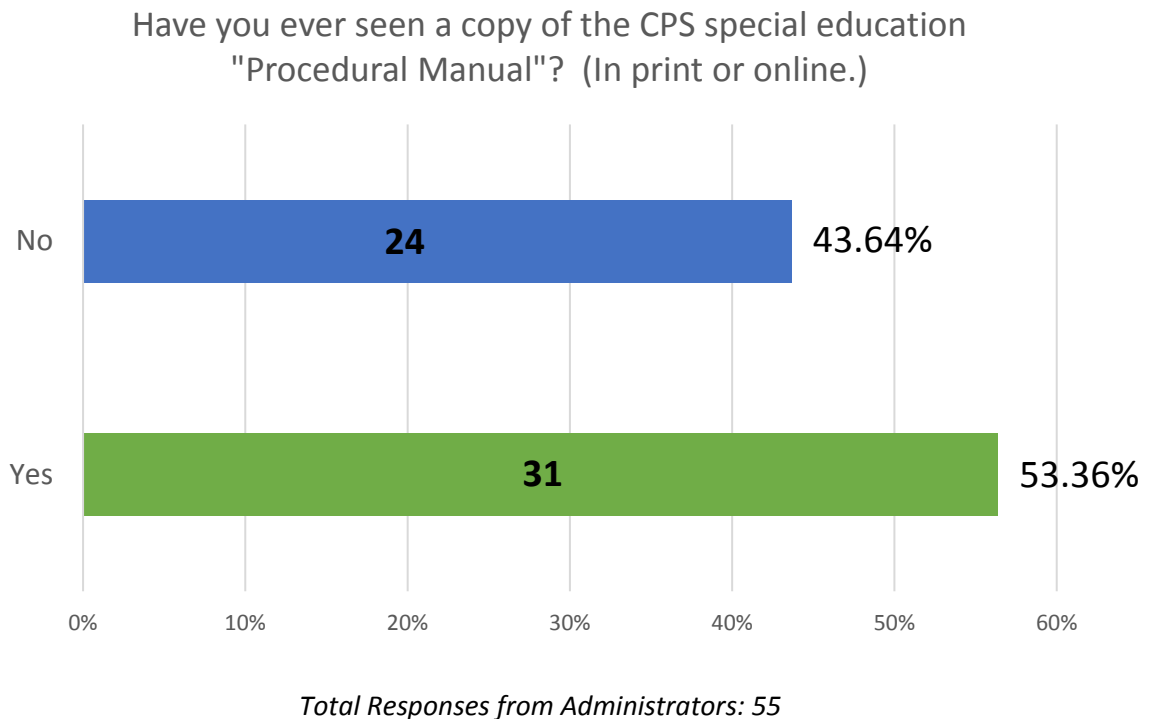
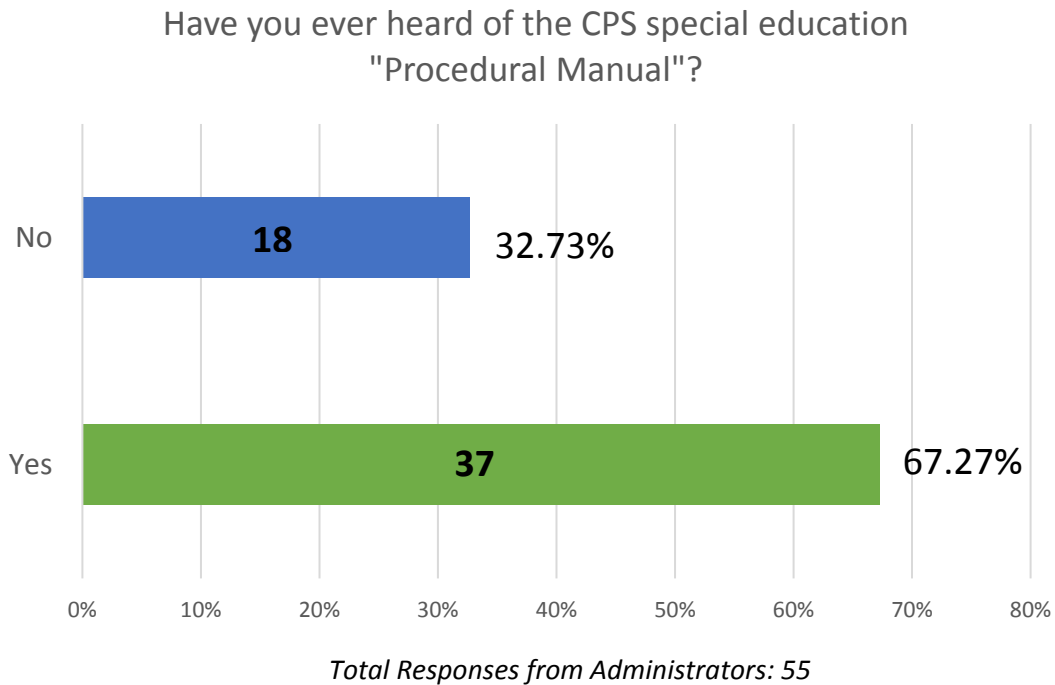


Total Responses from Teachers: 1214

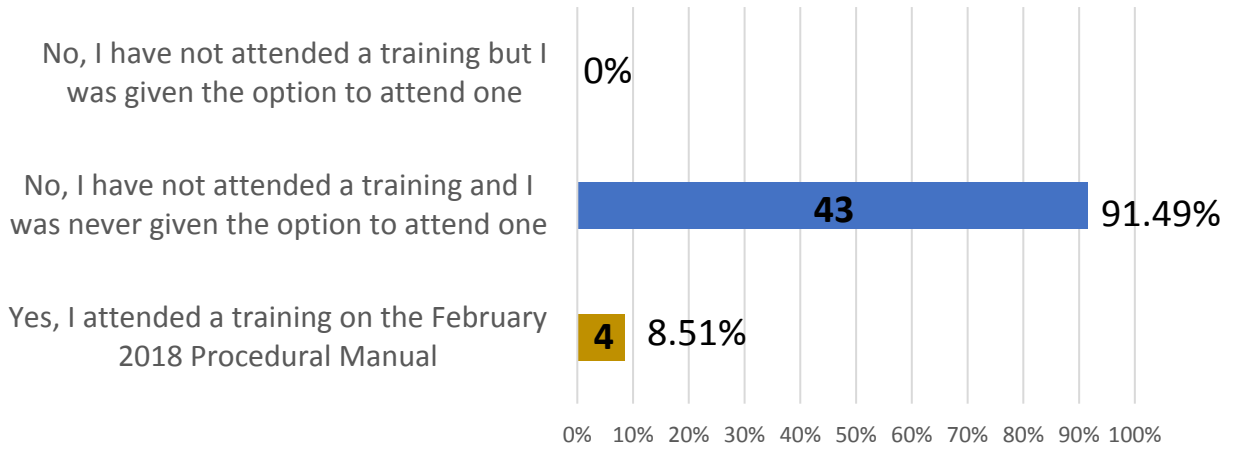
Numbers inside bars represent # of incidences based on 1214 responses

Data for CPS Administrators

Total number of CPS administrators who took the survey: 55

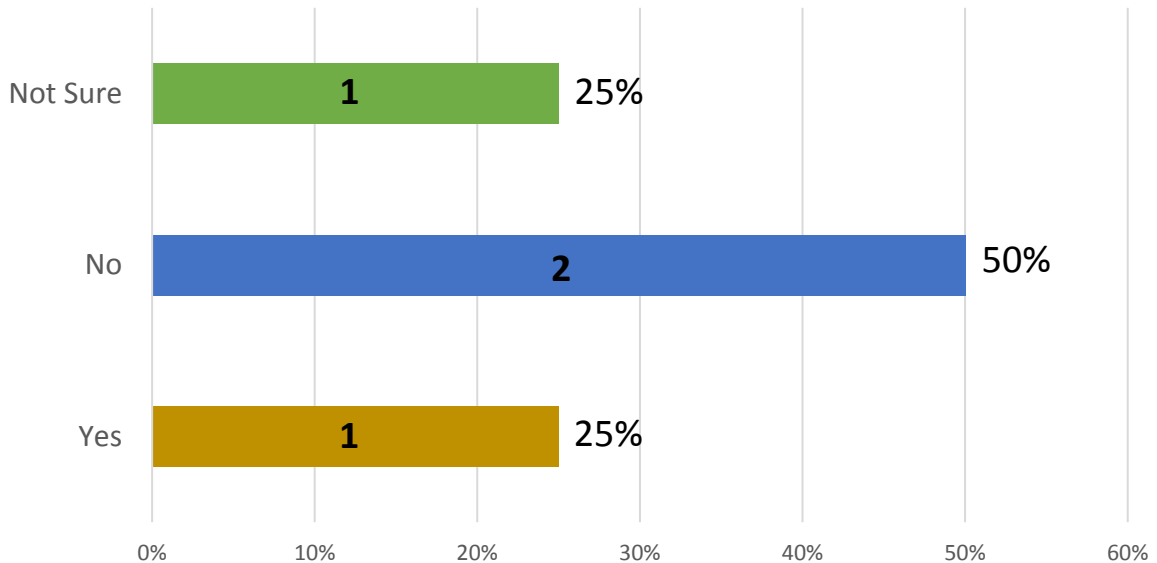


If you are a CPS teacher, administrator, or other staff: Have you attended a training on the new CPS special education Procedural Manual (dated February 2018)?



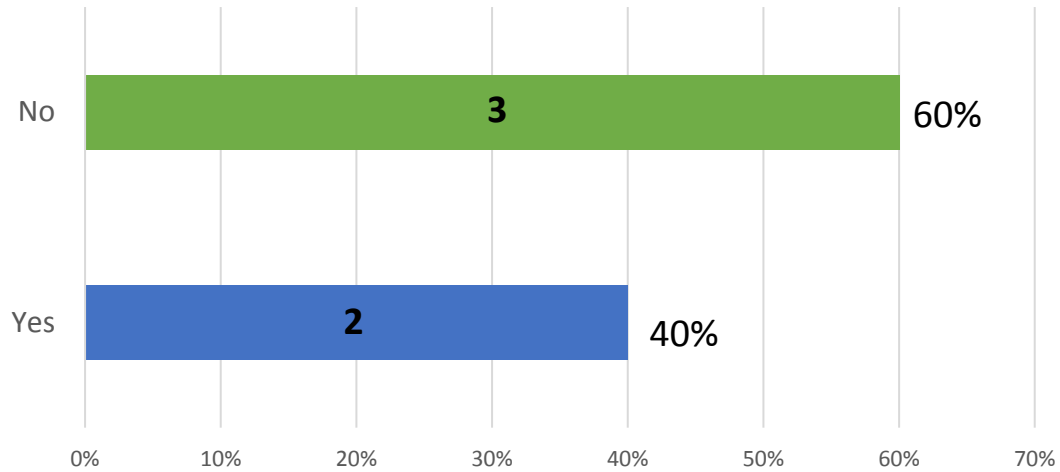
Total Responses from Administrators: 47

If you are a Parent of a CPS Student with a Disability: Is your child consistently receiving the services indicated on her/his IEP this school year?



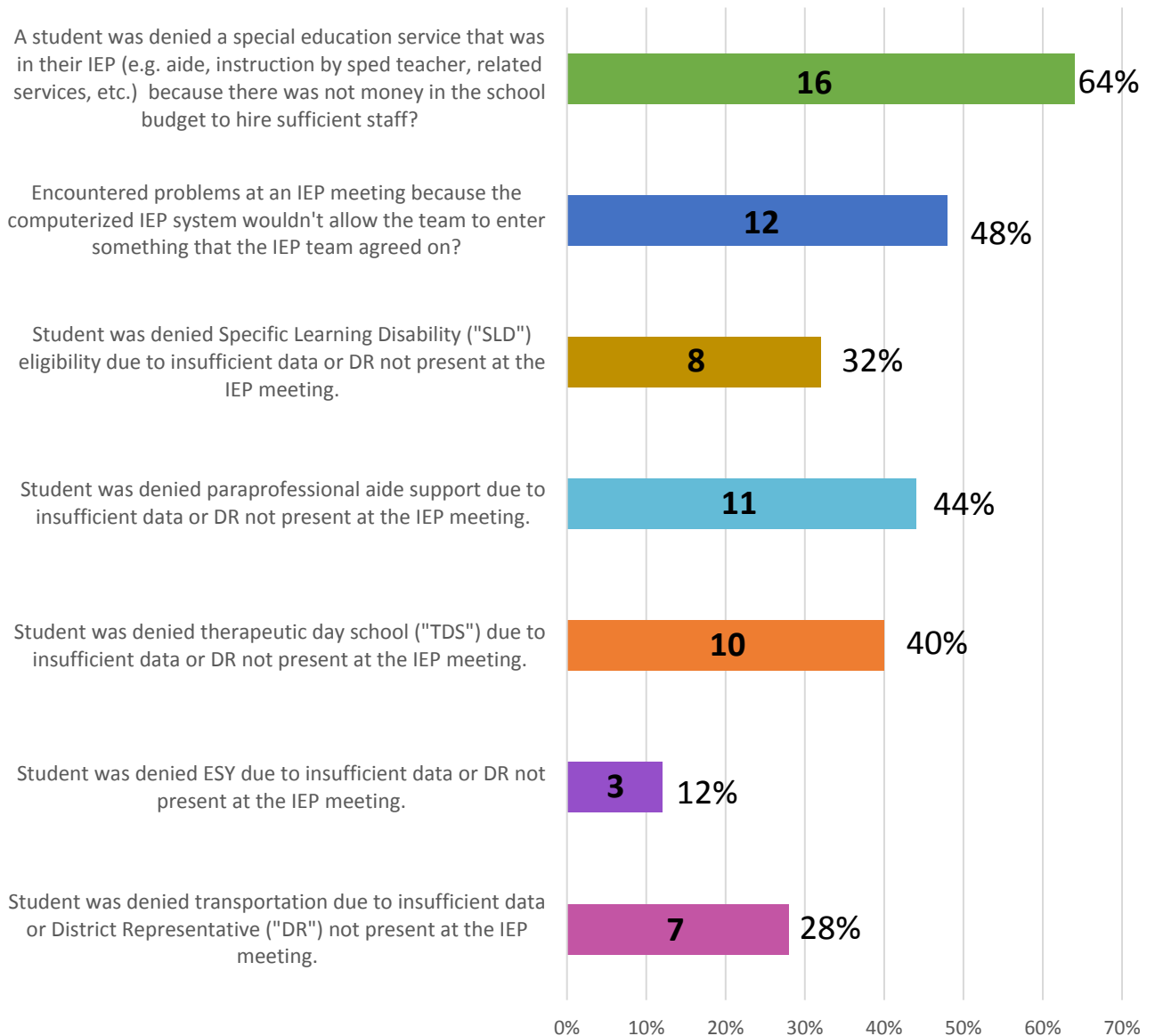
Total Responses from Administrators: 4 (this data reflects administrators who are CPS parents of students with disabilities)

If you are a Parent of a CPS Student with a Disability:
Have you heard of the new CPS Special Education
"Parent Advisory Council"?



*Total Responses from Administrators: 5
(this data reflects administrators who
are CPS parents of students with
disabilities)*

For Everyone: Have you seen, this school year, the following issues
(select all that apply):



Total Responses from Administrators: 25

Numbers inside bars represent # of incidences based on 25 responses

The Chicago Public Schools' (CPS) Violations of the IDEA Identified in the Illinois State Board of Education (ISBE) Inquiry Process Require, At a Minimum, Remedies the Advocates Enumerate Below

The Advocates thank ISBE for responding to the Advocates' concerns about CPS' violations of the IDEA, although we continue to have reservations about the limitations and adequacy of its inquiry process. That said, the evidence produced during the inquiry process and hearing overwhelming supports findings that:

- IEP decisions were and are currently driven by budgetary concerns.
- IEP decisions were and are currently made by people who did not actually attend the IEP meeting or who made decisions despite the team favoring a different position.
- IEPs were and are currently not timely implemented and were delayed, or second-guessed, by subsequent budget appeals or approvals.
- Parents have not and do not currently have an equal role on the IEP team. The CPS Guidance policies and procedures in effect from 2016-2018 were not accessible in any format and were not transparent to parents.
- The electronic IEP system thwarted and continues to thwart the intentions of properly constituted IEP teams and did not and does not accurately reflect decisions.
- Children with learning disabilities were and are inappropriately delayed evaluation and eligibility decisions because of an inappropriate data collection requirement.
- Students were and are denied 1-1 aides, therapeutic placements, ESY, assistive technology and transportation due to inappropriate data requirements, cumbersome and restrictive rules and procedures, and an SSM system that blocked team decision making.
- CPS used a process for deciding district policy that was secretive and lacked stakeholder input and has implemented its policies, including the February 2018 manual, without adequate notice to stakeholders, public information or training for staff and parents.

Without remedies to ensure that the above violations do not continue or recur, the entire process will have been in vain.

The remedies enumerated below are necessary to safeguard the rights of children with disabilities in CPS:

I. ISBE-appointed independent external monitoring team/special master:

- a. Shall be in place by July 1, 2018 for a minimum term of five years, with the possibility of an extension.

- b. Shall be selected after review and consideration by the Advocates, with the Advocates making suggestions to be considered by ISBE. The Advocates will have veto power in the selection.
- c. Shall be funded by ISBE/CPS, with investigative authority and a staff sufficiently robust to allow active monitoring and approval.
- d. Will monitor all corrective action necessary to remediate violations, and have the authority to impose additional corrective action as necessary.
- e. Will review and approve any significant changes in CPS special education policy or funding.
- f. The Monitor must make all reports public and meet regularly with parents, the Chicago Teachers Union (CTU), Principals, and CPS administration.
- g. Shall meet quarterly with the Advocates.
- h. Shall publicly issue quarterly reports.
- i. Shall assess the effectiveness of the any required remedial training.
- j. After consulting with the Advocates and ISBE, shall create a data collection plan by August 1, 2018 that is sufficient to monitor the issues raised in the inquiry (including but not limited to staffing and position data and IEP data that it does not currently track). CPS shall timely provide the necessary statistical data as required by the Monitor on a system-wide and local school basis.
- k. Shall have authority to include but not be limited to (1) access to all electronic and paper documents and personnel deemed necessary to monitor and investigate remedial activities; (2) compel records from CPS and IBSE, including student records; (3) compel demonstrations of relevant computer systems; (4) demand data from CPS; (5) conduct site visits; (6) contact CPS (special education and non special education) parents directly to solicit information and feedback via survey or other means; (7) contact teachers and other staff directly; (8) publicly advertise its contact information so that teachers, parents and others can contact the monitor directly; and (9) review all denials of new position allocation requests and approve if warranted. CPS shall facilitate the Monitoring Team's execution of its authority.
- l. **Whistle-blower protection:** CPS personnel and parents may contact the Monitor directly and have their communications protected against any retaliation by CPS.
- m. **Cooperation:** all CPS personnel are required to cooperate with the Monitoring team.

- n. **Prior consultation:** while the Monitor is in effect, CPS shall not adopt or implement any **policy or SSM change** without prior consultation with the Advocates, CTU, Principals Association, and parent groups, as well as having a public notice and comment period.
- o. **Extension of monitor:** at the conclusion of the 5 year monitoring period, the Monitor shall report to ISBE assessing the degree of compliance with these requirements. If it is found by ISBE that CPS has not substantially complied with these requirements and/or that there continue to be significant problems with arbitrary decisions as to staff allocations and services, or significant failures in relation to delivery of a Free Appropriate Public Education (FAPE), the Monitor shall remain in force for an additional five years.

II. Compensatory Services: CPS will create a fund to provide public or private services up to a total of \$10,000,000 to pay for compensatory services for students who were wrongly denied services in the last two years because of CPS' policy changes. The process will be as follows:

- a. The fund will be administered and allocated by the Monitor.
- b. CPS and the Monitor shall publicize the availability of compensatory services for any student adversely affected by any of the CPS budget, policy and documentation procedures in place from 2016 to the present.
- c. The Monitor will separately reach out to all special education parents at all schools that had a budget appeal denied in part or whole this or last school year.
- d. All CPS parents should be given notice of the Inquiry Team findings and any ISBE action, and told that they may be eligible for compensatory education funds.
- e. Allocation of compensatory education will be determined by IEP teams.
- f. The Monitor will hear appeals of compensatory education decisions brought under this provision.
- g. Parents can access the fund for up to 5 years.

III. Production of data going forward: for the next 5 years, CPS should be required to produce the following data publically on the 20th school day, at the end of semester 1, and at the end of semester 2:

- a. Number of students eligible for special education, disaggregated by eligibility category.
- b. Number of special education instructional minutes for each type of setting (general education, separate setting), and number of filled positions to fulfill those minutes.
- c. Number of minutes of total dedicated aide support in IEPs, with number of filled paraprofessional positions.

- d. Number of minutes of total shared aide support in IEPs, with number of filled paraprofessional positions.
- e. Number of minutes for each related service, disaggregated by consult versus direct service and by type of related service.
- f. Number of students eligible for transportation, disaggregated by grade and eligibility category.
- g. Number of students eligible for ESY, disaggregated by grade and eligibility category.
- h. Number of CSE/FIE requests and percent denied, disaggregated by grade.

Any deviation from the prior year's usage that deviates more than 20% greater than any changes in the number of students eligible for special education in the district shall be a basis for investigation by the Monitor.

IV. Procedural Manual going forward - General Procedural Manual (PM) changes:

- a. An FAQ about PM must be mailed and emailed to all special education parents, and must also:
 - i. Be given to parents when Full and Individual Evaluation (FIE)/Case Study Evaluation (CSE) are requested.
 - ii. Include information divided by aides, ESY, transportation, placement, separate day placement, and early childhood.
- b. Offer a copy of the PM at the school office if requested and give a copy to parents when FIE/CSE are requested.
- c. Update PM only once a year for a new School Year.
- d. Provide adequate, mandatory training on PM and CPS policies for all special education staff and related service providers, and not just District Representatives or Case Managers.
- e. Provide adequate training on PM and CPS policies for parents:
 - i. CPS and/or ISBE will award grants of \$500,000 per year each to at least three parent advocacy organizations to provide funding for additional parent training and low cost/no cost advocacy activities.
 - ii. These funds will be in addition to, rather than in lieu of, any funding that is already being provided.
- f. **PM and guidance** should be:
 - i. Shorter and at no more than a 5th grade language level.
 - ii. Translated into Spanish and other languages.

- iii. Changed to add a clear requirement that notes should be taken at every IEP meeting throughout the entire meeting. This should include discussion of all options and any dissenting opinions or other disagreements.
- iv. Changed to add a clear requirement that a draft IEP *must* be provided five days in advance to the parents.
- v. Clear that a separate 504 plan should be created.

V. SSM changes (not Issue specific, for those see below) should:

- a. Add “IEP notes” into the main body of the IEP so they are not separate notes and so that they automatically print out with rest of the IEP.
- b. Reinstate “compensatory education” Y/N box on the main CPS IEP document so parents know it can be available if needed. If checked “Y,” then the compensatory education document in SSM will automatically open.
- c. Create a way for IEP teams to request a SSM change directly. Right now only the “SSM Team” (ODLSS and law dept) can request “system enhancement or configuration change.” Consequently, the people best situated to suggest changes or identify problems (the people actually using it in the schools) have no way to directly communicate issues of concern. The call line for tech support is not a means for regular staff to point out SSM design issues. Further, the monthly meeting with a CTU committee is not sufficient.[CPS 001403; CPS001300]
- d. Log SSM Help Line calls by issue area and resolution.
- e. Post any policy or SSM change on the CPS website (in an easily accessible area) and widely disseminate to all parents prior to implementation.
- f. Modify the drop down menu to include the ability to add options for any drop down rather than being limited by the likely options.

VI. Other: all CPS parents (not just special education) should be given notice of the Inquiry Team findings and any ISBE corrective action and told they may be eligible for compensatory education funds, with an apology from the CEO. Other actions that need to be taken include:

- a. Provide to the ISBE appointed monitor, and post publically, a copy of the "guidelines" for recommended service minutes as referenced in the appeals document.
- b. Make printed copies of the ISBE-created “Educational Rights and Responsibilities” booklet available at every school.
- c. Conduct trainings regularly to all parents on CPS policies and procedures.

Remedies Specific to Issues 1 and 2:

I. Decision Making Authority changes need to include:

- a. Either expand the number of District Representatives so they can actually attend meetings or assign the LEA representative role to the principal or case manager, and train them accordingly.
- b. Remove the ability of one person to override a team decision by consensus.
- c. Give the person who signs in as the LEA representative at the meeting actual authority to commit resources, not conditional or situational.

II. Locks and Blocks: there should be no separate, out-of-IEP documents that need to be finalized prior to IEP questions or sections being allowed to open.

- a. These locks create situations where decisions are being made prior to IEP meetings and amongst people who are not always part of the IEP team.
- b. These decisions are also made without including all IEP team members, such as the parents.
- c. Instead, all options need to be included in the IEP document for the team to discuss and determine together.
- d. This means all available IEP sections will also appear on the draft of the IEP that parents can request prior to a meeting.

III. Data collection: to the extent that it is still required by the PM, the following changes should be made:

- a. With the ten day notification of conference that parents receive, include a list of areas requiring data collection and a check box indicating whether or not data has been collected (e.g., paraprofessional support, ESY, SLD).
- b. If data has been collected, provide that data to parents 5 days prior to the IEP meeting. Include the draft sections of the IEP that have been completed.
- c. Clarify as part of district policy that the draft IEP *must* be provided five days in advance to parents.
- d. **Aides-** make aide documentation less onerous:
 - i. In the IEP itself.
 - 1. Remove requirement that there needs to be a new rationale for a dedicated aide for every setting and every task.

2. Data should just be per subject area for academic aide tasks or per setting (general education, special education) for behavior aide tasks.
 - ii. In the pre-IEP data collection:
 1. Remove the requirement that they need to collect aide data for 5 days each for **each** setting where an aide is wanted.
 2. Data should just be per subject area for academic aide tasks or per setting (general education, special education) for behavior aide tasks.
- e. **ESY** needed changes include:
- i. Remove “probable mastery of goal during ESY” language in ESY critical skills section.
 1. Otherwise it implies that if they cannot master it, then there is no value in trying to master it or make progress over ESY.
 2. Standard should be: will make progress on goal versus will regress on goal.
 3. Should not require mastery.
 - ii. ESY data should be collected for all students – otherwise parents cannot even have a discussion about it and then it is too late to consider it.
 - iii. Allow access to all ESY forms all school year and all summer – critical skills, summer regression, winter regression, etc.
 - iv. Remove all date blocks in the ESY section.
- f. **TDS/Residential Placement** needed changes include:
- i. Eliminate all date-window restrictions and/or other blocks, and auto-populated language.
 - ii. Remove 5 weeks data requirements and remove requirement for FBA/BIP. (Ignores that some TDS are not for ED kids.)
 - iii. This should be an IEP team LRE decision just like all other LRE decisions.
 - iv. If CPS wants the District Representative to help facilitate after transportation is given, put in PM that the CM should contact the DR after the decision to let him or her know.
 - v. Eliminate all date-window restrictions and/or other blocks, auto-populated language within the SSM system so that the IEP Teams are free to add appropriate services and the IEP document accurately reflects the decisions by the IEP Team.
 - vi. There should be an option in which the team can override any data requirements based on consensus team judgment if the data is partially available or supportive, but not entirely, or if exigent circumstances require a decision before adequate data can be gathered. Any rule that says “something will never be allowed unless” is a presumptive violation of the IDEA requirement that decisions be individualized and a violation of 504.

- g. **Specific data requirements for a certain number of days of data** must be provided for decisions such as LD Eligibility, ESY, 1-1 aide assignments, and therapeutic placement, shall be explicitly identified as a best practice to be completed when possible, but **not** a requirement for moving forward with the decision making process or for deciding if a student is eligible for the proposed service.
- h. **Any data requirements shall include criteria** for the type of data being sought, the means of gathering the data, and the relevance of the data to the ultimate decision.
- i. All data requirements shall make clear that the **quantitative data is only one source of information to be considered** and shall not be the sole basis for deciding if the service should or should not be provided.

Remedies Specific to Issue 3:

- I. **Appeal rights:** During the course of a school year individual schools will have the right to appeal to CPS Office for Diverse Learners or its designated network representative for additional special education funding or positions based on decisions relating to services made by appropriately constituted. (See CPS FY 17-18 Budget Book pages 215-218.) IEP teams for enrolled students with IEPs or for students with disabilities who have transferred into the school. The following are the requirements:
 - a. These appeals can be made by the principal of a school or by the Chicago Teachers Union representing the majority of special education workforce at the school, or jointly by the principal and the CTU.
 - b. The burden of proof will be on the CPS Office for Diverse Learners or the designated network representative in all situations of denials of appeals.
 - c. The decision will be written.
 - d. The decision will be made public on the CPS website within five calendar days.
 - e. The originators of the appeal will have the right of appeal to the Monitor for a final determination.
 - f. That appeal will be decided by the Monitor within 20 days in writing, with ISBE determining the format for any such appeals.
 - g. This decision will be made public on the ISBE website within five calendar days.
 - h. The Monitor ruling will be non-appealable.

II. If a position allocation request is denied:

- a. The Monitor will be able to hear the appeal (as detailed above).
- b. If the Monitor upholds the position denial, the Monitor must be able to explain specifically how FAPE will be provided to all students at the school with the existing resources, taking into account ISBE's special education class size and the 30% ratio rule regulations.

III. Other Necessary Remedial Requirements:

- a. Remove dedicated paraprofessionals from the appeal process entirely. Para professional positions/budgets should not need to be "appealed" in the same way as teacher position appeals.
- b. Do not link the special education services to the general education budget in appeals.
 - i. Do not ask how spending general education money in appeals requesting more special education money.
- c. Fund the case management position at each school so it does not come out of the school's already bare bones student-based budget.
- d. Provide compensation or extra preparation periods for special education teachers / clinicians to write IEPs.
- e. The Monitor will work with the Advocates to design a method to fill special education vacancies throughout the system, including but not limited to:
 - i. Providing district financed licensure and endorsement opportunities to Teachers and PSRPs to become Special Education instructors and receive emergency credentials while working towards course completion.
 - ii. Earmarking TIF surplus dollars for providing special education needs prior to using them for any other projects or developments.
 - iii. Reviewing the district's hiring practices to determine the extent to which Networks or principals are interfering with filling special education vacancies.

Other Necessary Section 4 Remedial Requirements

I. Requested remedies include:

- a. Remove the requirement that the DR is ever needed to approve transportation for any particular situation.
- b. Remove the timeline question for transportation; it should always last the length of the IEP and can be revised and taken out if the situation changes similar to every other service.

- c. Delete the phrasing about different pick-up/drop-off being required for FAPE. ISBE has stated clearly that the IEP team does not have to establish this evidence. Also remove this wording in the procedural manual.
- d. Add the purple form to the website and/or link it directly to the form on the SSM if the drop box for different pick-up/drop-off is selected.
- e. Clarify on the purple form that it applies to both Head Start and other community-based child care.

The Advocates greatly appreciate the ISBE's review of the much-needed remediation of CPS' broken system. While there remain multiple other issues that remain unaddressed by the ISBE Inquiry, the Advocates have limited their remedies to only the four issues before the Inquiry Team.

ILLINOIS STATE BOARD OF EDUCATION MEETING
May 16, 2018

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education
Karen Corken, First Deputy Superintendent  

Agenda Topic: 2018 Legislative Session Update

Materials: None

Staff Contact(s): Amanda Elliott, Co-Director of Legislative Affairs
Sarah Hartwick, Co-Director of Legislative Affairs

Purpose of Agenda Item

The purpose of the agenda item is to give an update to the Board on the 2018 spring legislative agenda.

Relationship to the State Board's Strategic Plan and Implications for the Agency and School Districts

The Legislative Agenda will support changes that align with the goals identified within the Board's Strategic Plan.

Every child in each public school system in the State of Illinois deserves to attend a system wherein...

- All kindergartners are assessed for readiness.
- Ninety percent or more of third-grade students are reading at or above grade level.
- Ninety percent or more of fifth-grade students meet or exceed expectations in mathematics.
- Ninety percent or more of ninth-grade students are on track to graduate with their cohort.
- Ninety percent or more of students graduate from high school ready for college and career.
- All students are supported by highly prepared and effective teachers and school leaders.
- Every school offers a safe and healthy learning environment for all students.

Background Information

Licensure

- HB 4706 (Scherer/Manar) provides that a school board may require of new substitute teachers evidence of physical fitness to perform duties assigned and shall require of new substitute teachers evidence of freedom from communicable disease, and provides that evidence may consist of a physical examination by a health care provider (instead of treating substitute teachers like other new employees who are required to provide evidence of physical fitness to perform duties assigned and freedom from communicable disease through a physical examination by a health care provider).
- HB 4956 (Cavaletto/Cunningham) provides that, beginning with the 2019-20 academic year, every public university in this state that offers an educator preparation program must offer to those students enrolled in that program a three-year degree completion option. Provides that prior to implementation of the program, a public university shall submit to the Board of Higher Education the curriculum and requirements of its program

for approval. Provides that upon completion of the program, a student shall receive a bachelor's degree and qualify for entitlement for licensure. Requires the Board of Higher Education, in consultation with the State Educator Preparation and Licensure Board and the State Board of Education, to adopt rules to implement the program. Effective immediately.

- HB 5110 (Lang/Steans) amends the Clinical Social Work and Social Work Practice Act and the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act. Provides that the Department of Financial and Professional Regulation shall (rather than may) issue a license as a clinical social worker, social worker, professional counselor, or clinical professional counselor, without the required examination, to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements under the Act or to any person who, at the time of his or her licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this state.
- HB 5196 (Greenwood/Clayborne) amends the Educator Licensure Article of the School Code to provide that, beginning July 1, 2018, a licensee who holds a paraprofessional educator endorsement on an Educator License with Stipulations is required to pay a \$25 renewal fee (currently \$50).
- HB 5754 (Finnie) provides that a principal endorsement shall be affixed to a Professional Educator License of any holder who, in addition to other requirements in the Code, has at least four total years of teaching or four total years of working in the capacity of school support personnel in a school under the supervision of the Illinois Department of Corrections (or in combination with other permitted schools).
- SB 1829 (Hutchinson/Gordon-Booth) provides that, beginning with the 2018-19 school year and until the 2023-24 school year, an individual may teach preschool children in an early childhood program that receives grants under the Code if he or she holds (i) a Professional Educator License with an early childhood education endorsement, (ii) a Professional Educator License with short-term approval for early childhood education, (iii) an ECE Credential Level of 5 awarded by the Department of Human Services under the Gateways to Opportunity Program developed under the Department of Human Services Act, or (iv) an Educator License with Stipulations with a transitional bilingual educator endorsement and he or she has either passed a foreign language content test in the applicable content area or has completed no fewer than nine semester hours of college coursework in the area of early childhood education.
- SB 2658 (Schimpf/Olsen) provides that a Professional Educator License with Stipulations with a provisional educator endorsement obtained by a service member or a spouse of a service member is valid until June 30 immediately following three (rather than two) years of the license being issued. Defines "spouse of a service member." Effective September 3, 2018.
- SB 2838 (Link/Mayfield)/HB 4742 (Mayfield/Link) provides that, by January 1, 2019, the State Board of Education shall implement a program and adopt rules to allow school districts to supplement their substitute teacher recruitment for elementary and secondary schools with the use of recruiting firms. Outlines requirements and definitions for implementation.
- SB 2844 (Aquino/Pritchard) requires the State Board of Education to establish and maintain the Growing Future Educators Program to train high school graduates who at one time have been identified as English Learners and who are enrolled in an approved educator preparation program, among other qualifications, to become secondary language educators. Provides that each school district that chooses to participate in the

program shall partner with one public, regionally accredited institution of higher education in this state that offers a pre-approved educator preparation program. Each qualified high school graduate participating in the program through the district must be enrolled at that institution in its educator preparation program. Provides that for each semester that a qualified high school graduate is participating in the program, the State Board shall issue the person a paraprofessional educator endorsement on an Educator License with Stipulations and the person must be employed as a part-time employee by the participating district as a paraprofessional working under the supervision of a district employee with a Professional Educator License. Sets forth provisions concerning funding, submitting program data, reporting to the General Assembly, and rulemaking. Effective immediately.

- HB 5175 (Hoffman/Cunningham) provides that, beginning July 1, 2019, in fixing the salaries of teachers, a school board shall pay those who serve on a full-time basis a rate not less than \$40,000 per year.
- SB 3045 (Manar/Reis) amends the Downstate Teacher Article of the Illinois Pension Code. For the period beginning July 1, 2018, through June 30, 2020, increases the amount of employment as a teacher that a retired teacher may perform without impairing retirement status; allows 120 paid days or 600 paid hours in a school year, but not more than 100 paid days in the same classroom. Effective immediately.
- SB 3220 (Aquino/Welch) provides an appeals process for State Educator Preparation and Licensure Board denials.

ISBE

- HB 4284 (Chapa LaVia/Bertino-Tarrant) provides that, for State Board of Education appointments made after the effective date of the amendatory Act, three of the members of the State Board must represent the educator community. Sets forth the qualifications for these members and makes other changes with regard to the qualifications of members of the State Board.
- HB 4369 (Sommer/Weaver) provides that the State Board of Education shall develop and maintain a handbook to be made available on its website that provides guidance for pupils, parents or guardians, and teachers on the subject of dyslexia. Specifies handbook requirements. Provides that the State Board shall review the handbook once every four years to update, if necessary, the guidelines, educational strategies, or resources and services made available in the handbook.
- HB 5062 (Flowers) provides that, beginning with the 2018-19 school year, the State Board of Education shall develop and maintain a program aimed at facilitating education in advanced manufacturing technical skills. Provides that the program shall be implemented over a three-year period in no less than 12 public high schools where the youth unemployment rate is at least twice the national average. Specifies program requirements. Provides that the State Board shall ensure that each high school participating in the program has adequate funding for at least one industry coordinator, tutoring, pre-employment and on-the-job mentoring, professional and leadership development, and life and financial management instruction. Provides that the State Board shall use a program provider to help design, build, and accredit the training program.
- SB 3236 (Manar/Olsen) provides that a school report card shall include the most current data possessed by the State Board of Education relating to a school district's administrative costs. Defines "administrative costs."

School Districts

- HB 1252 (Lilly/Cullerton, T) amends the School Code. Provides that every public elementary school shall include in its sixth-, seventh-, and eighth-grade curriculum, beginning with the 2018-2019 school year, a unit of instruction studying civics.
- HB 5247 (Pritchard/Weaver)/SB 3226 (Weaver/Breen) provides that, no later than six months after the effective date of the amendatory Act, the State Board of Education shall initiate the rulemaking process to adopt rules as may be necessary to allow students of any high school in this state who are 16 years of age or older to participate in registered apprenticeship programs. Defines "registered apprenticeship program." Provides that the rules shall include the waiver of all non-academic requirements mandated for graduation from a high school under the Code that would otherwise prohibit or prevent a student from participating in a registered apprenticeship program. Makes related changes. Effective immediately.
- HB 5561 (Swanson/Weaver) provides that a public school student receiving a high school diploma shall have the right to wear a military uniform at the student's high school graduation ceremony if the student has completed basic training for and is an active member of a branch of the U.S. Armed Forces and is in good standing with his or her branch of the U.S. Armed Forces. Provides that a school's uniform or dress code policy shall comply with this provision.
- HB 4860 (Fortner/Connelly) removes the end date of the electronic-learning days pilot program for the three school districts in the program.
- HB 4927 (Chapa LaVia/Mulroe) amends the Chicago School District Article of the School Code. Requires the school district to provide all copies of teacher evaluations to the exclusive bargaining representative of the school district's teachers within seven days after issuing the evaluations.
- HB 5136 (Slaughter/Castro) with regard to the development of teacher evaluation plans, provides that, beginning with the first school year following the effective date of the amendatory Act, a joint committee (created by a school district to incorporate the use of data and indicators on student growth as a significant factor in rating teacher performance into the evaluation plan) shall meet no less than one time annually to assess and review the effectiveness of the district's evaluation plan for the purposes of continuous improvement of instruction and evaluation practices.
- HB 5195 (Greenwood/Clayborne) provides that each school board may provide free transportation for any pupil residing within 1 1/2 miles from the school attended where conditions are such that walking, either to or from the school to which a pupil is assigned for attendance or to or from a pickup point or bus stop, constitutes a serious hazard to the safety of the pupil due to a course or pattern of criminal activity, as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Provides that the State Board of Education, in consultation with the local law enforcement agency, shall review the findings of the school board concerning a course or pattern of criminal activity and shall approve or disapprove the school board's determination that a serious safety hazard exists within 30 days after the school board submits its findings to the State Board. Provides that the changes made by the amendatory Act do not apply to the Chicago School District.
- HB 5721 (Harper/Hunter) amends the Chicago School District Article of the School Code. Adds to the definition of "school action." Provides that, beginning on July 1, 2019, the facility performance standards published by the district must include the performance standards of safety measures in the district. Requires the data, information, and analysis published on the district's website regarding the 10-year educational facility master plan to include a brief description of specific plans for special education programs, early

childhood education programs, career and technical education programs, and any other programs that are space sensitive to avoid space irregularities; a description of a communications and community involvement plan for each community in the City of Chicago; historical and projected enrollment of each school; and other items. Requires the chief executive officer to publish a procedure for conducting an annual capital improvement hearing that shall discuss the district's annual capital budget. Adds to the requirements of the capital improvement plan published annually by the chief executive officer. Provides that beginning on June 1, 2019, and annually thereafter, the district shall conduct a regional capital budget hearing that describes planned projects for the year and reviews the five-year capital budget and the educational facility master plan. Adds to the requirements of a school transition plan.

- SB 2246 (Rezin/Welter) provides that township land commissioners or trustees of schools that have title to any school real estate or lands may authorize by resolution the sale of common school lands to a government entity if two-thirds of the township land commissioners or trustees of schools approve the resolution. Provides that the regional superintendent of schools of the county in which the lands are located shall complete the sale and deliver a certificate of purchase to the government entity. Provides that a government entity that purchases common school lands, or its assigns, may obtain a copy of a certificate of purchase or patent by (1) for a certificate of purchase, filing an affidavit with the regional superintendent in which the lands are located proving the loss or destruction of the original; (2) for a patent, filing an affidavit with the Secretary of State proving loss or destruction of the original; and (3) presenting a copy of the certified resolution approving the sale that has been filed by the township land commissioners or trustees of schools with the county recorder of deeds to the regional superintendent or Secretary of State. Provides that the regional superintendent or the Secretary of State shall issue a replacement certificate or patent, which shall have the effect of the originals and shall reflect the effective date of the transfer of title as the date of the filing of the resolution by the township land commissioners or trustees of schools with the county recorder of deeds.
- SB 2428 (Stadleman/Wallace) creates the Hunger-Free Students' Bill of Rights Act. Provides that every school in this state shall provide a federally reimbursable lunch to a student of that school who requests the lunch, regardless of whether the student has the ability to pay for the lunch or owes money for earlier lunches. Provides that if a student owes money for five or more lunches, a school shall reach out to the parent or guardian of the student to attempt collection of the owed money and to request that the parent or guardian enroll the student in a free or reduced-price lunch program. Provides that a school may not publicly identify or stigmatize a student who cannot pay for a lunch or who owes money for lunches.
- SB 2527 (Weaver/Swanson) amends the School Code. Prohibits a school board from limiting the number of dual credit courses a student may enroll in or the number of credits a student may receive from dual credit courses, provided the courses are taught by an Illinois instructor.
- SB 2900 (Righter/Reick), with regard to the election of school board members of a community unit school district (formed before January 1, 1975) or combined school district (formed before July 1, 1983), provides that if a school board fills a vacancy due to a lack of candidates for election in a congressional township in the most recent election, then the school board shall, by resolution, order submitted to the school district's voters at the next general election a proposition for the election of a board member at large without restriction by area of residence within the district (rather than in accordance with

mandatory board representation) and the proposition shall be certified by the school board's secretary for submission.

- SB 3003 (Sandoval/Evans) amends the Illinois Vehicle Code. Provides that an applicant for a school bus permit cannot be convicted of committing or attempting to commit the following offenses: (1) solicitation or solicitation of murder; (2) permitting sexual abuse of a child; (3) presence or loitering of a sexual predator or child sex offender in or near a public park; (4) aggravated battery; and (5) use of a dangerous place for the commission of a controlled substance or cannabis offense.
- SB 3201 (Hastings/Breen) amends the Illinois School Student Records Act. Provides that upon the discovery of a breach of security that results in the unauthorized release, disclosure, or acquisition of student information contained in a school student record, a school shall, no later than 48 hours after discovery, notify the parent of the student whose record is involved in the breach of security.
- SB 3249 (Steans/Moeller) amends the School Code. Requires school districts to provide instruction in LGBT history. Requires textbooks purchased utilizing Textbook Loan Funding to be non-discriminatory and include the roles and contributions of all people protected under the Illinois Human Rights Act.
- SB 3466 (Lightford/Davis) requires a school district to make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement. In the Article governing compulsory attendance of pupils, provides that the term "valid cause" for absence includes when a person who has custody or control of a child withholds the child from school due to a bona fide dispute over special education services or placement that is being addressed through the child's individualized education program, federal Section 504 plan, mediation, or a due process hearing. Provides that a school district may not refer a truant, chronic truant, or truant minor to any other local public entity for the purpose of issuing the child a fine or fee as punishment for the child's absence from school. Defines "local public entity." Allows a school district to refer any person having custody or control of a truant, chronic truant, or truant minor to any other local public entity for the purpose of issuing the person a fine or fee for the child's absence from school if all appropriate and available supportive services have been exhausted and the person has knowingly and willfully permitted the child's truant behavior to continue.
- SB 3514 (Hunter/Davis) amends the Children with Disabilities Article of the School Code. Provides that, in a school district with a population of more than 500,000 inhabitants, the principal and all school personnel who are regular members of an Individualized Education Program (IEP) team shall determine the special education staffing needs of the school based on IEP minutes, status of the school's least restrictive environment, optimal scheduling protocols, and other relevant factors. Provides that once a staffing level is set, the school board shall provide full staffing for the school and shall fund the total cost of each position. Provides that the school board may not reduce the special education staffing levels of a school in which the general staffing levels are less than 90 percent of the state average. Provides that the school board may require more efficient staff scheduling if the scheduling does not impair or hinder any reasonable goals of the school's general education program. Prohibits the school district from banning the use of any measure that would prevent or delay an IEP team from adding a service to the program or creating a time restriction in which a service is prohibited from being added to the program.

- SB 3536 (Collins/Chapa LaVia)/HB 5771 (Chapa LaVia/Collins) provides that, beginning July 1, 2018, any publicly funded early childhood program receiving Preschool for All Block Grant funds or Preschool for All Expansion Block Grant funds shall collect and review its chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. Defines "chronic absence." Sets forth actions that are encouraged. Provides that, on or before July 1, 2020, and annually thereafter, an early childhood program shall report all the data collected to the State Board of Education, which shall make the report publicly available via the Illinois Early Childhood Asset Map website and the Preschool for All Program or Preschool for All Expansion Program triennial report.

Wellness

- HB 4193 (Parkhurst/Rezin) amends the Children with Disabilities Article of the School Code. With respect to an impartial due process hearing, changes when the hearing officer must issue his or her written decision from within 10 days to within 10 calendar days, excluding Saturday, Sunday, or any state holiday, after the conclusion of the hearing. Effective immediately.
- HB 4208 (Welch/Lightford) With respect to school discipline improvement plans, makes changes to how the State Board of Education determines the top 20 percent of school districts, when notification is given that a plan must be submitted, which school districts are required to submit a plan, the timeframe for school board approval of a plan and submission of that plan to the State Board, and when additional annual progress reports are required. Establishes the Safe Schools and Healthy Learning Environments Program and grants under the program. Sets forth requirements for grant applicants and provisions for the distribution of funds appropriated for the program. Requires the State Board of Education to issue a yearly report on the results of the program in cooperation with school districts participating in the program. Provides that the State Board may adopt rules necessary for the program. Effective July 1, 2018.
- HB 4226 (Kifowit/Raoul) provides that, amongst other duties, the Regional Office of Education (rather than the district superintendent or chief school administrator) of a public elementary or secondary school or charter school shall supervise an athletic trainer or other person responsible for compliance with the return-to-play or return-to-learn concussion protocol established under the Code. Provides that the State Board of Education shall (rather than may) adopt rules governing concussion protocol under the Code, including, but not limited to, rules governing the informal or formal accommodation of a student who may have sustained a concussion during an interscholastic athletic activity.
- HB 4657 (Manley/Sims) creates the Emotional Intelligence and Social and Emotional Learning Education Task Force under the State Board of Education. Requires the task force to develop curriculum guidelines on emotional intelligence; sets forth provisions concerning its membership, duties, administration, and dissolution. Provides that, beginning with the 2019-20 school year, every public elementary school and high school shall include in its curriculum a unit of instruction studying emotional intelligence. Requires this unit of instruction to include teaching how to recognize, direct, and positively express emotions. Permits a school board to use the task force's guidelines in developing this unit of instruction.
- HB 4409 (Pritchard/Lightford) provides that, amongst other meanings, a "school psychologist" means a person who holds a valid Nationally Certified School Psychologist credential (rather than certificate). Removes from the definition of "school psychologist"

the requirement that a psychologist have additional qualifications as may be required by the State Board of Education.

- HB 4514 (Pritchard/Althoff) provides that only persons licensed and endorsed as a school counselor under the Code may use the title "school counselor."
- HB 4658 (Manley/Koehler) requires a school board to adopt and implement a policy on how to recognize mental health issues and how to properly address them. Provides that, as part of this policy, a school board shall require in-service training of licensed school personnel and administrators to include, at least once every two years, training on the current best practices regarding the identification of and recommended courses of action for mental health issues.
- HB 4799 (Harper/Hunter) provides that, in every public school maintaining any of grades kindergarten through 8, there shall be instruction, study, and discussion of effective methods for the prevention and avoidance of traffic injuries related to walking and bicycling. Provides that if a school board provides instruction on safety education under a provision in the Code, the instruction shall include pedestrian and bicycling safety.
- HB 4870 (Lang/Castro) requires a school district, public school, charter school, or nonpublic school to authorize a parent or guardian of a student who is a qualifying patient to administer a medical cannabis-infused product to the student on school premises or a school bus if both the student (as a qualifying patient) and the parent or guardian (as a designated caregiver) have been issued registry identification cards under the Compassionate Use of Medical Cannabis Pilot Program Act. Defines terms. Provides that a parent or guardian may not administer a medical cannabis-infused product if the administration would create disruption to the school's educational environment or would cause exposure of the product to other students. Provides that nothing in the provision requires a member of the school's staff to administer a medical cannabis-infused product to a student. Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Makes conforming changes.
- HB 4908 (Moeller/Steans) provides that all children in kindergarten and the second, sixth, and ninth grades (rather than all children in kindergarten and the second and sixth grades) of any public, private, or parochial school shall have a dental examination.
- HB 5148 (Kifowit/Holmes) provides that course material and instruction in a sex education course shall include, with an emphasis on the workplace environment and life on a college campus, material and discussion on what constitutes sexual consent and what may be considered sexual harassment or sexual assault.
- HB 5770 (Conroy/Bush) provides that, beginning with the 2018-19 school year, a school board shall notify students and the parents or guardians of students, electronically or in the form of a letter, that a student may be eligible to receive mental health services from the school district under a federal Section 504 plan.
- HB 5786 (Mayfield) provides that, beginning with the 2018-19 school year, an in-school suspension program provided by a school district for any students in kindergarten through grade 12 shall focus on promoting nonviolent conflict resolution and positive interaction with other students and school personnel. Provides that a school district may employ a substitute teacher to oversee an in-school suspension program in kindergarten through grade 12.
- SB 2654 (Hunter/Hammond) requires the school board of a school district to include information about influenza and influenza vaccinations in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention when it provides information on immunizations, infectious diseases, medications, or other school health issues to the parents or guardians of students.

- SB 2889 (Rose/Breen) creates the Epinephrine Administration Act. Provides that a health care practitioner may prescribe epinephrine pre-filled syringes in the name of an authorized entity where allergens capable of causing anaphylaxis may be present. Provides that an authorized entity may acquire and stock a supply of undesignated epinephrine pre-filled syringes provided the undesignated epinephrine pre-filled syringes are stored in a specified location. Requires each employee, agent, or other individual of the authorized entity to complete a specified training program before using a pre-filled syringe to administer epinephrine. Provides that a trained employee, agent, or other individual of the authorized entity may either provide or administer an epinephrine pre-filled syringe to a person whom the employee, agent, or other individual believes in good faith is experiencing anaphylaxis. Provides that training under the Act shall be valid for two years. Requires the Department of Public Health to approve training programs, to list the approved programs on the department's website, and to include links to training providers' websites on the department's website. Contains provisions concerning costs, limitations, and rulemaking. Defines terms. Amends the School Code. In provisions concerning epinephrine administration, provides that epinephrine may be administered with a pre-filled syringe.
- SB 3015 (Koehler/Welch) with regard to the self-administration and self-carry of asthma medication, provides that a school district, public school, charter school, or nonpublic school may authorize a school nurse or trained personnel to (i) provide undesignated asthma medication to a student for self-administration only or to any personnel authorized under a student's Individual Health Care Action Plan or asthma action plan, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or IEP plan to administer to the student that meets the student's prescription on file, (ii) administer an undesignated asthma medication that meets the prescription on file to any student who has an Individual Health Care Action Plan or asthma action plan, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or IEP plan that authorizes the use of asthma medication; and (iii) administer an undesignated asthma medication to any person that the school nurse or trained personnel believes in good faith is having respiratory distress. Defines "undesignated asthma medication" and "respiratory distress."
- SB 3507 (Murphy/Drury) requires a school district, public school, or nonpublic school to permit a student diagnosed with a pancreatic insufficiency to self-administer and self-manage his or her pancreatic enzyme replacement therapy if the parent or guardian of the student provides the school with written authorization for the therapy and written authorization for the therapy from the student's physician, physician assistant, or advanced practice registered nurse. Defines terms. Requires each school district or school to adopt an emergency care plan and an individualized health care plan for a student subject to the provision. Specifies plan requirements.

Mandates

- HB 4346 (Jones/Harris) amends the School Code and various Acts relating to the governance of public universities and community colleges in Illinois. With respect to the requirement that the events of Black History be taught in every public elementary school and high school, provides that a student may not complete the eighth grade or graduate from high school without studying this material and that a school may meet this requirement through an online program or course. Requires every public institution of higher education and community college to offer a course studying the events of Black History. Allows public institutions of higher education and community colleges to meet the requirement by offering an online course.

- HB 4368 (Halbrook) requires a school district to allow the parent or guardian of twins or higher order multiples to request that his or her children be placed in the same classroom or in separate classrooms if the children are in the same grade level at the same school. Provides that the school may recommend classroom placement to the parent or guardian, but the school shall provide the classroom placement requested by the parent or guardian. Provides for the school board to make the classroom placement determination, after a hearing, if the principal determines that placement in the same classroom is disruptive to the classroom environment.
- SB 650 (Connelly/Batnick) amends the School Code to provide that certain notices concerning requests for mandate waivers may be made electronically.

2018 Spring Session ISBE Initiatives

Subject: Districts of Innovation (HB 4902 – Wheeler, B)

Executive Summary: This proposal would allow school districts in Illinois to become Districts of Innovation. These districts would be encouraged to develop new instructional and administrative practices or alternatives to existing ones with the intention of improving student learning and performance.

Subject: Obsolete and Duplicative Bill (HB 5170 – Olsen)

Executive Summary: This initiative would be a continuation of ISBE's efforts to streamline School Code provisions and amend or repeal outdated or otherwise problematic provisions of the School Code.

Subject: Licensure (HB 5627 – Bennet)

Executive Summary: Amends the School Code to create a short-term substitute teaching license, provide for out-of-state reciprocity, and make other changes throughout the licensure article of the Code.

Subject: ESSA (HB 5588 – Crespo)

Executive Summary: This proposal will incorporate all the legislative changes necessary to implement Illinois' ESSA State Plan.

Subject: Postsecondary and Workforce Readiness Act Expansion (SB 2941 – McGuire)

Executive Summary: Expand provisions within the Postsecondary and Workforce Readiness Act to encourage increased participation. Possible expansion provisions include increasing the limit of districts allowed to participate, allow cooperative applications to apply, explore options for incorporating proficiency-based diploma standards, and others with the goal to increase learning options for children and prepare them for citizenship by engaging the community with the high school experience.

Subject: Income Tax Exemption (HB 4738 – Mayfield)

Executive Summary: This proposal would allow Illinois teachers to be exempt from state income tax.

Subject: At-Risk Student Support (HB 3784 – Sosnowski/Weaver)

Executive Summary: This is a redraft of HB 3784. The initiative will address an issue that impacts students considered at risk for dropping out of school. Currently, students who fail to meet minimum academic standards may be dropped from a district's roster. Removing this provision in the School Code will permit these students to remain in school and have access to

opportunities and necessary interventions to ensure that they graduate from high school ready for college and career.

Subject: School Construction and School Maintenance Grant (HB 5628- Pritchard)

Executive Summary: This bill would incorporate changes into the School Construction Law and School Maintenance Grant to streamline and clarify the process for ISBE and districts.

Next Steps

Legislative Affairs staff will continue to monitor legislative action and update the Board.