



# Illinois State Board of Education

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**James T. Meeks**  
*Chairman*

**Tony Smith, Ph.D.**  
*State Superintendent of Education*

## **PUBLIC INQUIRY INTO SPECIAL EDUCATION POLICY AND PROCEDURES IN THE CHICAGO PUBLIC SCHOOLS**

At the November 2017 Board meeting of the Illinois State Board of Education (ISBE), several special education advocates, parents, and teachers shared their concerns regarding perceived systemic problems with the delivery of special education at Chicago Public Schools (CPS). These concerns were widely publicized via a WBEZ report as well. The stated concerns are serious and warrant examination. In an effort to examine the issues in a truthful and trustworthy manner, the Office of the General Counsel of the ISBE hereby convenes a Public Inquiry.

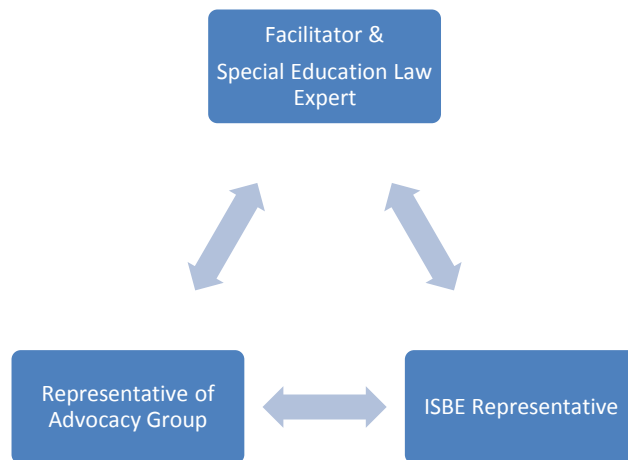
The purpose of this Public Inquiry is to closely examine this matter of public concern in a fair and transparent manner and to report the facts to ISBE and the State Superintendent. ISBE has the authority in accordance with State and Federal Law to fully investigate these matters and provide technical assistance and/or resolution<sup>1</sup>.

The Public Inquiry is a child-centered approach to understanding the special education process, procedures and services in CPS. As the State Educational Agency, ISBE has an obligation to ensure that the children in special education receive a free appropriate public education by ensuring that the systems and procedures put into place by CPS now and the future make this possible. The Public Inquiry is a novel way to determine the facts surrounding the stated concerns while maintaining the focus of the inquiry on the children and families involved.

### **Public Inquiry Framework**

The Public Inquiry will be conducted by the Office of the General Counsel of the Illinois State Board of Education following this framework:

1. Inquiry Team



<sup>1</sup> 20 U.S.C.A. 1411; 34 C.F.R.300.151-300.153.

ISBE will convene a team of professionals to examine the issues identified for the Public Inquiry. ISBE partnered with Nancy Fredman Krent, Professor of School Law at Loyola and Chicago Kent Law Schools, to facilitate the inquiry, and will partner with an advocacy group to be part of the Inquiry Team. In addition to our partners, ISBE's Assistant General Counsel for Special Education has been appointed to the Inquiry Team. This Team will represent people with knowledge of special education law from the parent, the school district, and the compliance perspectives to ensure the most balanced approach to the issues presented.

## 2. Issues for Examination

Once convened, it will be the Inquiry Team's responsibility to define the issues it will examine. The Inquiry Team will only examine issues that are systemic in nature. Specific parent and student complaints will be referred through the Special Education Complaint Process for investigation.

## 3. Parties to the Inquiry

There are two parties to the inquiry: Chicago Public Schools and the Advocacy Groups that signed the Open Letter to ISBE that initiated the Public Inquiry. Both parties must designate spokespeople and may be represented by attorneys of their choice at their own cost for the course of the Public Inquiry.

## 4. Inquiry Process

First, the Inquiry Team will meet and develop Operating Procedures governing the ways in which the Parties to the Inquiry will submit evidence, including documentary evidence, witness affidavits and oral testimony. The Operating Procedures will be reviewed by the ISBE General Counsel. The Inquiry Team will also submit a timeline for the collection of evidence.

Second, the Inquiry Team will meet separately with each Party to review the Operating Procedures and finalize the issues for the Public Inquiry. The issues must be approved by the ISBE General Counsel.

Third, the Inquiry Team will collect facts related to the issues. The Operating Procedures may place page number or other procedural limitations on any part of the fact-finding process in order to manage the collection of evidence. Three types of evidence will be collected:

**Document Review:** The Team will request documents from each Party. If a Party is not in possession of a document they believe relevant to the Inquiry Team, they may submit a list of documents and indicate how and where the documents are held. Each document submitted that is regarding a specific student must be accompanied by consent from that Student's parent(s) or legal guardian(s) allowing the Parties to the Inquiry and the Inquiry Team to discuss matters related to that student. Absent such consent, the Inquiry Team has the right to strike a document from review or to give a document less weight in the review process.

**Written Testimony:** Concurrent with a request for documents, the Team will request each Party file written testimony in the form of affidavits from any witness the Party wishes to present. The Affidavits can cite to specific exhibits. The written testimony must contain all information a Party would like a witness to share with the Inquiry Team. The Parties must not assume that all witnesses for which statements are presented will be called for Oral Testimony at a public hearing.

**Oral Testimony:** The Inquiry Team will hold a series of public hearings to receive oral testimony from the Parties and other witnesses. The Parties may submit witness lists as suggested witnesses to the Inquiry Team, but the Inquiry Team will determine who will give oral testimony. The Parties will have

the opportunity to question witnesses during the oral testimony as will the Inquiry Team. All public hearings will be recorded.

All documents and testimony will be redacted to protect the identity of students identified and placed on the ISBE website for public review.

At the conclusion of the fact-finding, the Inquiry Team will meet to draft a written report to the ISBE General Counsel. It is the goal of the Public Inquiry for the Public Inquiry Team and the ISBE General Counsel to present to the Board the results of the Public Inquiry by the April 2018 Board meeting.

At all times during this Public Inquiry, the Inquiry Team and the Parties must protect the confidentiality of students and student records. The Public Inquiry will be in compliance with FERPA and ISSRA.

Lastly, neither Parties to the Inquiry nor the Inquiry Team shall retaliate against a witness or other participant in the Public Inquiry. This includes, but is not limited to, retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any Party or Participant who believes he/she is suffering from retaliation must contact the Office of the General Counsel immediately.

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