

November 16, 2017

## Open Letter to Illinois State Board of Education

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And the Members of the Illinois State Board of Education

We the undersigned organizations and individuals are agreed on the need for the Illinois State Board of Education (ISBE) to utilize its authority under the Illinois School Code and SEC. 616 of the Individuals with Disabilities Education Act along with its related regulations to intervene with the Chicago Public Schools (CPS) Special Education program. Specifically we ask that ISBE investigate all the findings made by a report that appeared on WBEZ radio in Chicago on its special education program.<sup>1</sup>

Collectively we are in agreement with the findings of the WBEZ report and in fundamental disagreement with the Chicago Public School's attempted refutation of that report.<sup>2</sup> We would be happy to discuss our views on those issues with any investigator appointed by ISBE in relationship to this matter.

We the undersigned organizations and individuals are also agreed on the following points and believe they should be part of a systematic and transparent investigation of the CPS special education program by ISBE:

- CPS utilizes blocks in its electronic IEP form, which allows the District to effectively veto decisions reached by a legally constituted school based IEP team pursuant to IDEA [614(d)(1)(B)]. These blocks in the system have led to notable decreases in the provision of certain IEP services within CPS, as detailed in the WBEZ article.
- CPS policies impose overly burdensome data collection and documentation requirements on special education teachers and related service providers. These compulsory procedures lead to delays in both the initial identification of students for services and in the provision of Special

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<sup>1</sup> <https://www.wbez.org/shows/wbez-news/wbez-investigation-cps-secretly-overhauled-special-education-at-students-expense/2f6907ea-6ad2-4557-9a03-7da60710f8f9>

<sup>2</sup> <https://www.scribd.com/document/362522838/Chicago-Public-Schools-letter-to-WBEZ-regarding-special-education-report>

Education and Related Services, we believe these requirements can amount to the systematic denial of FAPE for numerous CPS students. These paperwork requirements force teachers and service providers to focus time and resources away from teaching and learning, they are detracting from the improvement of educational and functional results for children with disabilities; and are in violation of the intent and purpose of IDEA along with Congressional guidance on paper work reduction.<sup>3</sup>

- CPS officials have lumped special education and general education services into a school-based zero-sum funding competition with one another.
- This practice has effectively discouraged CPS principals from funding special education services, and provides a further disincentive for principals to support an IEP team's decision to add a needed service to a student's IEP. An overall reduced pool of funds further exacerbates these disincentives.
- The practice also encourages local schools to transfer some supplemental general state aid (SGSA), and even some federal Title I funds for the provision of special education services schools are required to provide pursuant to IEPs.
- Since most CPS students with disabilities are educated for the majority school day in general education settings, this practices hurts those students no matter which decision the principal makes.
- CPS has consolidated numerous special education budget lines into larger buckets that obscure its allocation of special education funds.
- CPS has implemented excessive significant restrictions on transportation services that have required interventions from numerous disability rights, and early childhood education advocacy agencies including the assistance in filing due process cases and state complaints against CPS to assure the provision of FAPE for these students.
- Any investigation allow for public input via numerous forms including public hearings which are recorded and publicly available. A non-retaliation provision should be established for all CPS employees or parents who either testify or provide other information to ISBE investigators.

We believe the situation may be so egregious that ISBE may be required following an investigation to appoint an outside expert to facilitate corrective action in relationship to the CPS special education program. It should be expected that these recommendations may and most likely will include significant changes in CPS special education practices. Many of these changes will likely involve a reordering of budget priorities. Rejection of an outside expert's recommendations by CPS solely on the basis of finances should not be acceptable. All findings by any ISBE investigation should be made public.

Initial list of Endorsers Follow:

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<sup>3</sup><http://congressionalresearch.com/RL32931/document.php?study=The+Individuals+with+Disabilities+Education+Act+IDEA+Paperwork+Reduction+in+P.L.+108-446>

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