

SSCA Frequently Asked Questions

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General

1. What is Student Specific Corrective Action?

In the fall of 2017, the Illinois State Board of Education opened a Public Inquiry into certain special education procedures that were in effect in the District during the 2016-17 and 2017-18 school years. As a result of the Public Inquiry, ISBE found that some of the challenged procedures may have caused violations of the Individuals with Disabilities Education Act (IDEA) for students. ISBE issued a Corrective Action Report directing CPS to identify students whose services were delayed or denied as a result of these procedures and offer them opportunities to remedy the delay or denial when appropriate.

2. Which procedures were found to be inconsistent with IDEA?

The procedural changes identified by ISBE included requirements in the electronic Individualized Education Program (IEP) system (called “SSM”) as well as oversight requirements that may have caused delays and denials of specific IEP components. These requirements may have prevented IEP teams from making needed determinations in the following areas: transportation, extended school year (ESY), paraprofessional support, identification of a student with a specific learning disability (SLD), and placement in a therapeutic day school setting. Additionally, the Public Inquiry Report concluded that some students may have been delayed or denied services of a paraprofessional or special education teacher due to the position funding and budget appeals processes in the 2016-17 and 2017-18 school years. (Collectively, “SSCA areas and years.”)

Universal Enrichment Remedies (UER)

3. What is a UER?

UERs are being offered to identified students to streamline the SSCA process and deliver services to students who may have been impacted by the violations identified in the ISBE Public Inquiry Report. While typically a parent/guardian is entitled to compensatory services only after establishing a delay or denial of services that caused a lack of expected progress, CPS has identified students for whom a UER will be offered without such an analysis.

4. How were students identified for UERs?

To identify students for UERs, CPS pulled data from SSM that may indicate a delay or denial of services due to the identified problematic procedural requirements (see the chart on page 2 of the Student Specific Corrective Action Procedures document). Students were identified for UERs in the areas of extended school year (ESY), paraprofessional, transportation, and identification as a student with a specific learning disability.

5. How do I know if my child might have been impacted?

Parents/guardians of students who were identified by CPS for a UER will be notified for a UER conference call. If a parent/guardian does not receive a notice but believes their child’s ESY, transportation, paraprofessional, identification as a student with a specific learning disability, or placement in a therapeutic day school was delayed or denied due to the restrictions in SSM or oversight requirements at issue in the Public Inquiry Report during the 2016-17 and/or 2017-18 school years, or that their child was delayed or denied paraprofessional for special education teacher support due to the budget appeals process during those same school years, they should request an SSCA meeting.

6. Was every student identified by CPS for a UER hurt/affected by the special education procedural changes put into effect during the 2016-17 and/or 2017-18 school years?

No. CPS was overly inclusive in its identification process and no analysis was conducted to determine whether a delay/denial occurred or whether the student made expected progress. The CPS identification means that a student will be offered a UER without a compensatory education analysis. CPS's decision to forgo SSCA meetings and offer UERs is not an admission of liability or of unconstitutional or illegal conduct.

7. Will every student who has been identified as qualifying for a UER receive a remedy?

Yes. If a student has been identified for a UER, their parent/guardian can choose a remedy from the District Approved List of Providers up to the maximum amount listed for each area but not to exceed \$4,000.00 per school year.

8. What are the maximum limits for each area?

For extended school year (ESY), the maximum UER limit is \$800.00 per school year. For paraprofessionals, the maximum UER limit is \$2,000.00 per school year. For students suspected of having a specific learning disability (SLD), the maximum limit is \$4,000.00 per school year. For transportation, the parent/guardian will be reimbursed for the number of days they transported the student to/from school using the IRS mileage rate for that school year if the student was driven, the CTA fare amount if public transportation was used, and/or reimbursed for a ride share if applicable, up to the maximum of \$4,000 per school year.

9. What if a student was identified for a UER in more than one area, is their remedy limited to only one UER area?

No. If a student is identified for a UER in more than one area, the parent/guardian can choose UERs for all identified areas up to the maximum limit in each area but not to exceed the overall maximum amount of \$4,000.00 per school year.

10. What if the parent/guardian already paid for educational services during the 2016-17 and/or 2017-18 school year(s), can they be reimbursed for those services through UER?

Yes. If the parent/guardian provides copies of paid invoices for education services provided to their student during or since the 2016-17 and/or 2017-18 school years, they can choose reimbursement as their UER. The parent will only be reimbursed up to the maximum amount allowed for the UER area for which their child was identified, up to a maximum of \$4,000.00 per school year.

11. If the parent/guardian has a tutor or other service provider who is not on the District Approved List of Providers, can the parent/guardian choose that person to provide the UER?

Yes. The parent/guardian can identify a service provider who is not on the District Approved List of Providers to provide the UER. However, the parent/guardian-chosen service provider must complete the CPS Vendor Application process. If the parent/guardian-chosen service provider does not successfully complete the CPS Vendor Application process, this person will not be able to provide the UER. Alternatively, the parent/guardian can become a vendor, in which case, the parent/guardian would pay the provider and be reimbursed by CPS.

12. What if, after beginning the service, the parent/guardian wants to change the UER provider?

Parents/guardians will be allowed to change UER providers after the service has begun. The parent/guardian must contact ssca@cps.edu before changing UER providers. The new UER provider will be able to provide services up to the amount of money that is left for the identified area. For example, if the student was identified in “paraprofessional” for the 2016-17 school year and so had a maximum limit of \$2,000.00, and the first UER provider provided services and was paid \$900.00, a second UER provider can provide up to \$1,100.00 in services.

13. Can any of the UER money be used to pay for transportation to/from the UER vendor site?

Yes. A parent/guardian can choose to use part of the maximum allowable UER amount to pay for transporting their child to/from the UER service location.

14. What if a parent/guardian of a student identified for UER wants services that will cost more than the maximum allowable amount?

If a parent/guardian wants more than the maximum amount allowable for a UER option, they can request an SSCA meeting. If the SSCA Analysis Team determines at the meeting that a delay/denial occurred in an SSCA area and year and that the student did not make expected progress, then additional or different compensatory services may be considered and determined by the SSCA Analysis team. If the SSCA Analysis Team determines at the meeting that no delay/denial occurred or that the student made expected progress and so is not entitled to an individualized remedy, the parent/guardian will still be offered the original UER. Choosing to have an SSCA meeting does not require the parent/guardian to forfeit the offered UER.

15. When will the UER service begin?

After a parent/guardian has chosen the UER service(s) for their child, they will be sent a Parent Notification which summarizes the UER option(s) chosen and contains a waiver of claims. The parent/guardian must sign the waiver of claims and return it to the District via ssca@cps.edu or U.S. mail. Once the District receives the signed waiver of claims, the UER service(s) can begin or reimbursement can be processed.

16. What does the waiver of claims say?

There are two different kinds of waivers: one for parents/guardians receiving a UER that provides reimbursement for transportation only, and one for all other UERs and SSCA remedies.

In the transportation-only waiver, the parent/guardian agrees to release the Board of Education from claims related to delays or denials only related to transportation services during the 2016-17 and 2017-18 school years.

In the general waiver, the parent/guardian agrees to release the Board of Education from any and all claims related to delays or denials of services or supports during the 2016-17 and 2017-18 school years related to the IDEA violations identified in the ISBE Public Inquiry Report, including those due to special education procedural changes related to transportation, ESY, paraprofessional, identification as a student with an SLD, and placement in a therapeutic day school, and those due to the position funding and budget appeals processes. If the parent/guardian feels their child should be eligible for compensatory services beyond the offered UER, they should not sign the general-waiver, and should request an SSCA meeting.

Neither of these waivers affect the parent's/guardian's right to ensure their child receives the agreed upon remedies. They also do not limit the parent's/guardian's right to file a complaint about other special education problems during the specified time period or afterwards.

If the parent/guardian disagrees with the UER offered to their child, the parent/guardian should not sign this waiver and should request an SSCA meeting. If the parent/guardian has questions about the waiver, they should not sign the waiver and should instead see FAQs #35 and 36.

SSCA Meetings and Teams

17. Will every student who has an SSCA meeting be entitled to an SSCA remedy?

No. If there was no delay/denial of services in an SSCA area and year, the student is not entitled to an SSCA remedy. Additionally, if the SSCA Analysis Team determines there was a delay/denial but the student made expected progress, the student is not entitled to an SSCA remedy.

18. Who will make the SSCA decision?

The SSCA Analysis Team, which includes the parent/guardian.

19. Can an SSCA meeting occur if the parent/guardian is not present via phone or in person?

No. The SSCA discussion cannot occur without parent/guardian participation.

20. How many times does an SSCA meeting have to be continued if the parent/guardian does not show?

Twice. If the parent/guardian does not show the first time the SSCA meeting is scheduled, then the discussion cannot occur and must be set for another day/time. A second Notice of Conference will be sent to the parent/guardian. If the parent/guardian does not show for the second SSCA meeting, the meeting will be rescheduled again and the parent/guardian will receive a third Notice of Conference. If the parent/guardian does not show for the third SSCA meeting, the parent/guardian will be sent the Student Specific Corrective Action Parent Nonattendance Notification, which explains that no more SSCA meetings will be scheduled unless the parent/guardian contacts SSCA@cps.edu and requests an SSCA meeting with two proposed dates that work for the parent/guardian.

21. Is an SSCA meeting an IEP meeting?

No. SSCA meetings use many of the same procedures that parents/guardians are familiar with for IEP meetings, but SSCA meetings have a different purpose than IEP meetings. For an SSCA meeting, like an IEP meeting, parents/guardians receive a 10-day notice of the meeting, the team includes a special education teacher and a general education teacher, and the parent receives a notice after the meeting summarizing the team's decisions. The SSCA Analysis Team members, however, are hired specifically for this function and are not the student's current teachers. Because the SSCA Analysis Team does not include the student's current IEP team members, the SSCA Analysis Team cannot make changes to the student's IEP. While the purpose of an IEP meeting is to offer FAPE, the purpose of an SSCA meeting is to determine if a student was impacted by one of the issues identified in the ISBE Public Inquiry Report and is entitled to an SSCA remedy. (If a parent/guardian is seeking changes to their child's current IEP, they should contact their case manager.)

22. Can a student who was not identified by the District have an SSCA meeting?

Yes. A parent/guardian can request that a student who was not identified by the District be considered for SSCA. All requests for an SSCA meeting must be submitted to SSCA@cps.edu. The SSCA request should identify which SSCA area(s) and year(s) they believe the student was potentially impacted (transportation, paraprofessional, ESY, identification as a student with a specific learning disability, placement in a therapeutic day school, paraprofessional, and/or special education teacher support related to the budget appeals process; in 2016-17 and/or 2017-18). The parent should provide any supporting documentation available.

23. Will all students for whom a parent/guardian requests a SSCA meeting be considered for SSCA?

No. To qualify for an SSCA meeting, the student must have been enrolled in CPS during the 2016-17 and/or 2017-18 school year(s) AND the student has not waived their right to an SSCA remedy through a settlement agreement, mediation agreement, or due process hearing decision. Additional requirements apply if the request for an SSCA meeting is related to the budget appeal process: 1) The student has not had a meeting to discuss compensatory education to address the alleged missed services; and 2) The student attended a school that made a budget appeal related to a paraprofessional or special education teacher in 2016-17 or 2017-18 and the student had that service on his/her IEP at that time. If all criteria are met, an SSCA meeting will be scheduled. If the criteria are not met, an SSCA meeting will not be scheduled and the SSCA Analysis Team will provide that finding to the parent/guardian in writing.

24. What remedies are available at an SSCA meeting?

If the SSCA Analysis Team determines that a student's services were delayed or denied due to an issue identified in the ISBE Public Inquiry Report and that the student therefore did not make expected progress, the student will be offered an SSCA remedy: compensatory services from a District Approved Provider or reimbursement for private services that the parent/guardian obtains or has already obtained for the student.

25. If a student's 2016-17 and/or 2017-18 IEP indicated services from a paraprofessional or special education teacher but the school was not able to fill the position and the student did not receive the required support or instruction that school year, is that a delay/denial qualifying for SSCA?

Generally no, unless the student's services from a paraprofessional or special education teacher were also delayed due to the procedural changes identified in the Public Inquiry Report or a budget appeal. Upon a parent/guardian's request for an SSCA meeting, the SSCA Analysis Team will review the student's record and verify whether the student meets the criteria for an SSCA meeting.

At the meeting, the SSCA Analysis Team will determine whether the student was delayed or denied paraprofessional or special education teacher support services due to a procedural change identified in the Public Inquiry Report or a budget appeal. If the SSCA Analysis Team identifies such a delay or denial and the student did not make expected progress, the student is eligible for an SSCA remedy to compensate for any harm related to the delay caused by the SSCA issue. To the extent the student's services were delayed or denied due to positions that were open or vacant due to lack of qualified applicants, however, the student is not eligible for an SSCA remedy, but the parent/guardian will receive a copy of their procedural safeguards and a form requesting a compensatory education meeting. The SSCA Analysis Team will send the form and any relevant records to 1) the principal of the school the student is attending, 2) the principal of the school the student was attending at the time of the delay/denial, and 3) the current District Representative. A compensatory education meeting will be scheduled at the student's current school to review any delay or

denial caused by a vacant position, review the student's progress, and offer compensatory education if warranted.

ISBE Monitor Appeals

26. If a parent/guardian disagrees with the SSCA decision, what can they do?

Parents/guardians may submit an ISBE State Complaint, request State-sponsored mediation, request an impartial due process hearing, or request an appeal directly to the ISBE Monitors.

For more information about how to submit an appeal to the ISBE Monitors, see the SSCA Procedural Safeguards document and FAQs #27 through #34.

For more information about how to submit an ISBE State Complaint, request Statesponsored mediation, or request an impartial due process hearing, visit the ISBE website, go to the Special Education page, and find "Effective Dispute Resolution."

27. How does a parent/guardian file a complaint with the ISBE Monitors?

A parent/guardian who wants to file an appeal with the ISBE Monitors will need to do the following:

Send an email to isbemonitor@isbe.net with the word "APPEAL" in the subject line. The email must include the following information:

- a. Name of person filing the complaint
- b. Name of the student
- c. Contact information for the way parent/guardian prefers to be contacted
- d. Date of the denial of parent's/guardian's request for an SSCA meeting or the date of the SSCA meeting

The parent/guardian does not need to send anything else, but including information or documents related to why they think the SSCA decision was wrong may be helpful to the Monitors. ISBE will contact the parent/guardian and Chicago Public Schools to collect additional information on the decision before issuing a finding.

28. When can an ISBE Monitor appeal be filed? An appeal can be filed after one of the following:

- a. An SSCA Meeting was requested and CPS denied the parent/guardian's request for a meeting.
- b. An SSCA Meeting was held and the parent/guardian did not agree with one or more of the findings of the SSCA Analysis Team.

A parent/guardian can file more than one appeal, one for each of the above.

29. How long does a parent/guardian have to file an appeal with the ISBE Monitors?

An appeal to the ISBE Monitors must be filed within thirty (30) calendar days of the date on which the parent/guardian had knowledge that they were denied a meeting, or thirty (30) calendar days from the date on which they had knowledge of the SSCA meeting outcome.

30. How does a parent/guardian know if the appeal to the ISBE Monitors was received?

The parent/guardian will receive a notification from ISBE within two (2) business days of receipt of the appeal. If a notification is not received within this timeframe, ISBE did not receive the appeal and the parent/guardian should resend their appeal.

31. How long does the appeal process take before the parent/guardian receives a response to the appeal to the ISBE Monitors?

Once ISBE is in receipt of the appeal, the ISBE Monitors or designee will reach out to Chicago Public Schools to obtain any documentation related to the decision, including any supporting data that the team used. CPS will have five (5) business days to submit all the necessary paperwork to the ISBE Monitors for review. The ISBE Monitors or designee may also reach out to the parent/guardian for additional information. Once ISBE is in receipt of the documentation from CPS, the ISBE Monitors will have five (5) business days to decide on the appeal.

32. Who decides the ISBE Monitor appeal?

One of the two (or both) ISBE Monitors will decide on the appeal. If one of the ISBE Monitors attended the student's SSCA meeting as an observer, the other ISBE Monitor will review the appeal.

33. What outcomes can the parent/guardian expect from an appeal to the ISBE Monitors?

ISBE expects five possible outcomes:

1. The SSCA team decision was correct. Appeal denied.
2. The SSCA team decision was not correct. The ISBE Monitor sends the matter back to the SSCA team to decide if a remedy is needed.
3. The SSCA team decision was not correct. The ISBE Monitor orders CPS to offer a universal enrichment remedy to the student.
4. The SSCA team decision was not correct. The ISBE Monitor orders CPS to offer the student a remedy not included in the universal enrichment remedy options.
5. The matter was resolved through another proceeding. The appeal is dismissed.

34. What happens if the parent/guardian disagrees with the decision of the ISBE Monitor?

If the parent/guardian disagrees with the decision of the ISBE Monitor or they do not want to appeal the decision of the SSCA team to the ISBE Monitor, they may still file a State complaint, request State-sponsored mediation, or request an impartial due process hearing. Whether or not the parent/guardian uses the ISBE Monitor appeal process will not affect their procedural safeguards or dispute resolution options.

If the parent/guardian chooses to file a State complaint, request State-sponsored mediation, or request an impartial due process hearing at the same time as or prior to filing an appeal with the ISBE Monitors, the Monitor appeal will be on hold pending the outcome of the other proceeding. If the due process request or mediation results in a settlement agreement, mediation agreement, or hearing officer decision, then the ISBE Monitor appeal will be dismissed. If the State complaint is investigated and concluded, the ISBE Monitor appeal will be dismissed. If mediation is not successful or if the parent/guardian withdraws the due process request or State complaint prior to a determination, the parent/guardian must notify the ISBE Monitor, who will reinitiate the ISBE Monitor appeal process.

Additional Resources

35. If the parent/guardian does not understand this process, who can they talk to for help within the District?

Parents with questions or concerns can contact the Parent Support Team at odlssparentsupport@cps.edu or 773-553-1840. Or to request an SSCA meeting, parents/guardians can contact either ssca@cps.edu or 773-553-1843. Additional resources, including a webinar, Approved Provider List, UER Guidelines, and New Vendor and Parent Vendor Guidance, will be available on the SSCA website at cps.edu/ssca.

36. What community resources exist to help parents/guardians understand this process?

The Equip for Equality SSCA hotline can connect parents/guardians to a number of different advocate services. Parents/guardians can call the hotline at (312) 895-7231 and leave a message. They must state their name and a call back number. A lawyer or advocate who represents parents for free will call the parent/guardian back to discuss their options. Interpreters are available.