

Procedural Safeguards Guidance

If parents/guardians disagree with the remedy offered by CPS, or if their student was not offered a remedy, they should request an SSCA meeting. If parents/guardians disagree with the SSCA decision, they 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. Information on the first three options can be found on the ISBE website within the Special Education page under “[Effective Dispute Resolution](#).”

If a parent/guardian chooses to file an appeal with the ISBE Monitors, the parent/guardian will still have the option of submitting an ISBE State Complaint, requesting State sponsored mediation, or requesting an impartial due process hearing. More information on the ISBE Monitor appeal process can be found at <https://www.isbe.net/monitor>.

Any challenge to the SSCA decision must be filed within the applicable statute of limitations period (set time period). A new law has extended the time to file an ISBE State Complaint on Student Specific Corrective Action to September 30, 2022. Any appeal to the ISBE Monitors must be made within 30 calendar days of the SSCA meeting or denial of an SSCA meeting.

If parents/guardians would like to talk to a lawyer at no cost who advises parents/guardians about SSCA questions or would like to learn more about their options, they may call the Equip for Equality SSCA hotline at (312) 895-7231. Interpreters are available.

Appeal to 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:

1. Name of person filing the complaint
2. Name of the student
3. Contact information for the way the parent/guardian prefers to be contacted
4. Date of the denial of the parent’s/guardian’s request for a 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.

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.

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.

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.

An appeal to the ISBE monitors may result in one of four 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 with instructions.
3. The SSCA team decision was not correct. The ISBE Monitor orders CPS to offer a remedy to the student.
4. The matter was resolved through another proceeding. The appeal is dismissed.

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, State-sponsored request 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 put 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, 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 reinstate the ISBE Monitor appeal process.