

**CHICAGO PUBLIC SCHOOLS
STUDENT SPECIFIC CORRECTIVE ACTION PROCEDURES**

OVERVIEW

The purpose of Student Specific Corrective Action (SSCA) is to identify and provide a remedy for students with disabilities who were adversely impacted during the 2016-17 and 2017-18 school years by special education procedural changes identified as problematic by the Illinois State Board of Education (ISBE) Public Inquiry Report. The identified procedural changes included requirements in the electronic Individualized Education Program (IEP) system (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.")

In response to public comments regarding the originally proposed SSCA guidance document, the District revised the SSCA process. Based on data from the electronic Individualized Education Program (IEP) system, the District has identified a group of students with disabilities who may have been adversely impacted by the specified procedures. These students will be offered a Universal Enrichment Remedy (UER) without an SSCA meeting and without a detailed analysis of whether the student was adversely impacted.

If the parent/guardian of a student identified by the District for a UER would like an SSCA meeting to discuss potential remedies, they may request such a meeting. The District has also identified a group of students who will automatically be offered a SSCA meeting. For any other student, the parent/guardian may request an SSCA meeting by emailing ssca@cps.edu or calling 773-553-1843. During the SSCA meeting, two questions will be answered:

1. Was the student denied/delayed services during the 2016-17 and/or 2017-18 school year(s) due to the identified procedural changes?
2. If the student was denied/delayed services, did the student make expected progress during the 2016-17 and/or 2017-18 school year(s) in light of their unique circumstances?

SSCA UNIVERSAL ENRICHMENT REMEDY TELEPHONE CALL

1. CPS has identified students for whom a Universal Enrichment Remedy (UER) will be offered without asking whether a delay/denial of special education services occurred in one of the SSCA areas and years or whether the student made expected progress.¹ 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, the Universal Enrichment Remedy is 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. Students were identified for a UER based on the following criteria:

Area	Criteria
Extended School Year	The student had ESY on their 2015-16 IEP but did not have ESY on the last finalized IEP in the 2016-17 and/or 2017-18 school year(s).
Transportation	The student had transportation on their 2015-16 IEP but the service was not on the 2016-17 and/or 2017-18 IEP(s) and the student was not enrolled in his/her neighborhood school.
Paraprofessional	The student had paraprofessional support on their 2015-16 IEP but the service was not on the 2016-17 and/or 2017-18 IEP(s) AND paraprofessional support was not noted in Section 10: Accommodation & Modifications or Section 11: Specialized Instruction (goal). OR The student's record includes a paraprofessional justification form that was left in draft during the 2016-17 and/or 2017-18 school year(s).
Specific Learning Disability	The student's record includes a Learning Environment Intervention's (LEI) or Learning Environment Screening (LES) that was left in draft during the 2016-17 and/or 2017-18 school year(s).

2. The SSCA Central Office Team will notify these students' parents/guardians via U.S. mail, email, and/or telephone to inform them of their eligibility for a UER and schedule a phone conference to discuss UER options. The notification form was shared with ISBE and the Advocates prior to being sent. The notification will include the phone number CPS has on record for the parent/guardian and instructions on how to notify CPS if the phone number is incorrect and/or request a change of date for the UER discussion.
 - **NOTE:** The areas and years for which the student has been identified to receive a UER will be specified on the *Notice of UER Conference Call*. If the parent/guardian believes that their child was impacted in another SSCA area or year identified in the ISBE Public Inquiry Report, the parent/guardian should request an SSCA meeting.

¹ 10,515 students: 7,548 active students and 2,967 inactive students (as of January 2020).

3. The amount of the remedy is based on the area identified by CPS in which the student was potentially impacted. If a student is identified by CPS as potentially impacted in more than one area, the amounts will be added together, up to a maximum of \$4000.00 per school year. Students identified for a UER will also receive a Chromebook unless they received a Chromebook for remote learning.

CPS Identified Area	Remedy
Extended School Year (ESY)	Parent is entitled to a maximum of \$800.00 of UER per academic school year the student was impacted.
Transportation - student attended school	<p>A. Mileage Reimbursement at the IRS approved rate 2017 = 53.5 cents 2018 = 54.5 cents</p> <p>B. CTA Reimbursement</p> <p>C. Cab or Ride Share Reimbursement</p> <p>Parents are required to submit the <i>Transportation Affidavit</i> reflecting the mileage that was driven or the expenses incurred during the impacted school year. Parents are entitled to a reimbursement up to the maximum of \$4,000.00 of UER per academic school year the student was impacted.</p>
Transportation - student missed 10 or more consecutive days due to a lack of transportation	<p>\$112.50 of UER for every 5 days missed.</p> <p>At a minimum, parent is entitled to \$225 of UER.</p> <p>The maximum is \$337.50 of UER per academic school year the student was impacted.</p>
Paraprofessional	Parent is entitled to a maximum of \$2000.00 of UER per academic school year the student was impacted.
Specific Learning Disability (SLD)	Parent is entitled to a maximum of \$4000.00 of UER per academic school year the student was impacted.

4. If a parent believes the UER is inadequate to meet their child's needs or that their child was impacted in another area or year identified in the ISBE Public Inquiry Report, the parent should request an SSCA meeting.

- **NOTE:** The SSCA areas and years include:

- Delays and denials of the following IEP components due to special education procedural changes (restrictions in SSM and oversight requirements) in the 2016-17 and 2017-18 school years:
 - transportation,
 - extended school year,
 - paraprofessional,
 - identification as a student with a specific learning disability, and
 - placement in a therapeutic setting.

- Delays or denials of paraprofessional or special education teacher support due to the position funding and budget appeals processes in the 2016-17 and 2017-18 school years.
5. Parents may select a provider from the District Approved List of Providers or request a provider of their choice. If a parent seeks to use a provider that is not on the District Approved List of Providers, the provider can complete the CPS vendor application process and be reimbursed upon approval. Alternatively, the parent can become a parent vendor, pay the provider, and be reimbursed by CPS.
 6. Parents may use a portion of their UER amount for transportation costs to and from the UER location. Transportation costs will be reimbursed upon proof of CTA, cab, or ride share expenditure and/or proof of mileage, which will be reimbursed using the IRS 2020 mileage approved rate of 57.5 cents.
 7. A link to the menu of District Approved Providers will be provided to parents/guardians with the notification. These options will include social/emotional learning, academic support and tutoring, arts and cultural enrichment, and/or physical activity/fitness programming. Depending on the service, these enrichment remedies may be provided before/after school and/or during the summer.
 8. During the call, an SSCA Team Representative will explain to the parent/guardian the UER options available.
 9. Utilizing a tracking tool, the SSCA Team Representative will note the UER option chosen by the parent/guardian.
 10. The parent/guardian will be sent an *SSCA UER Parent Notification* form at the conclusion of the telephone call summarizing the UER option(s) chosen by the parent/guardian.
 - **NOTE:** This form will include a waiver of claims, which the parent/guardian must sign and return to CPS before any UER services will begin or any reimbursement will be provided. Except for students identified in the area of transportation reimbursement only, the waiver will cover all issues and years that may fall within SSCA.
 11. If the parent/guardian is not in agreement with the UER options and/or is requesting remedies for additional SSCA areas or years, the parent should request a formal SSCA meeting.
 - **NOTE:** If a parent/guardian of a student identified by CPS to be offered a UER requests an SSCA meeting and the analysis indicates no denial/delay occurred or the student made expected progress, the UER originally offered to the parent/guardian will still be available. The parent/guardian will not lose this initial offer by requesting an SSCA meeting to explore whether the student is entitled to different or additional remedies.

SSCA MEETING

1. SSCA meetings will fall into one of the following four categories:
 - A. Students offered a UER and whose parents/guardians request an SSCA meeting. These students will not lose the UER originally offered, even if the SSCA analysis results in a determination of no denial/delay and/or that the student made expected progress.
 - B. Parents/guardians of students who were not part of the UER group and who received the September 2019 letter indicating that an SSCA meeting would be held.² SSCA meetings for these students are automatic and the parents/guardians will receive a Notice of Conference scheduling the meeting.
 - C. Parents/guardians of students who have been identified by the District for an automatic SSCA meeting based on a possible delay or denial of dedicated paraprofessional services due to the budget position funding and budget appeals processes in the 2016-17 and/or 2017-18 school year(s).³ Parents/guardians will receive a Notice of Conference scheduling the meeting.
 - D. All other students upon parent/guardian request, based on the following criteria.
 - Prior to scheduling an SSCA meeting, CPS will verify that the student was enrolled and attended a CPS school, which includes a therapeutic day school placement by CPS via the student's IEP, during the 2016-17 and/or 2017-18 school year(s).
 - CPS will also verify that the student has not already waived his/her claims as a result of a due process hearing order, settlement agreement, and/or mediation agreement.
 - For requests related to the budget appeal process, CPS will verify that the student has not already received a compensatory education meeting addressing the same issue. CPS will also verify that the student attended a school that submitted a budget appeal related to a paraprofessional or special education teacher in the 2016-17 or 2017-18 school year, and that the student had that service on his/her IEP at that time.

² 1,301 students: 1,262 active students and 39 inactive students (as of January 2020).

³ xxx students: xx active students and xx inactive students (as of August 2020). The list of students identified for an automatic SSCA meeting related to this issue is both overinclusive (some students identified were not impacted; their services were provided) and underinclusive (not all students impacted by the position funding and budget appeals processes were identified, including those whose shared paraprofessional or special education teacher supports were delayed or denied). Parents/guardians who believe their students may have been impacted should request an SSCA meeting.

If the student meets the criteria above, an SSCA meeting will be scheduled. If the student does not meet the criteria for an SSCA meeting related to the budget appeal process, an SSCA meeting related to other SSCA issues may still be held. If an SSCA meeting is denied, CPS will provide the parent/guardian with written notification.

2. Procedures

- A. The SSCA Analysis Team will consist of a special education teacher, who will also act as district representative, a general education teacher, and the parent/guardian. The special education and general education teachers will be hired by CPS to participate in SSCA meetings, they will not be current members of the individual student's IEP team. At meetings when the SSCA Analysis Team will determine whether the student was delayed or denied placement in a therapeutic day school, a District Representative will also participate in the meeting.
- A District Representative and/or ISBE Monitor may also attend any SSCA meeting to observe.
- B. For all parents/guardians of students with disabilities who are not part of Groups A or B above, CPS sent robo-calls and email notifications on how to request an SSCA meeting. This notification was provided to ISBE and the Advocates prior to being sent. Similar notification is also being provided to parents/guardians as part of the registration materials at the start of the 2020-2021 school year.
- Parents/Guardians can request an SSCA meeting by emailing SSCA@cps.edu. In the email, the parent/guardian should, to the best of their ability, identify which of the SSCA area(s) and school year(s) they believe their child was impacted. If the parent/guardian does not identify a relevant area and/or school year, a representative from SSCA Analysis Team will follow up with the parent/guardian to clarify the relevant information before a meeting is scheduled.
- C. The SSCA Analysis Team will gather qualitative and quantitative data from the 2016-17 and/or 2017-18 school year(s) and any other relevant school years to enable the SSCA Analysis team to determine whether a delay/denial occurred and whether the student made expected progress in light of their unique circumstances. (* See charts on pages 9-11 for details.)
- School staff are expected to cooperate with the SSCA Analysis Team and respond to all inquiries in a timely manner.
 - The parent/guardian should bring any relevant documents to the SSCA meeting that will help the SSCA Analysis Team make the SSCA decision. Such information could include communication between the parent and school, documentation of private services provided, or other information the parent believes would be helpful to the team.

- D. The SSCA Analysis Team will send the *Parent/Guardian Notification of Conference* to parents/guardians at least ten calendar days prior to the meeting. The Notification will indicate SSCA as the purpose of the meeting and specify which SSCA area(s) and school year(s) will be discussed. The Notification will inform the parent/guardian that they can participate via telephone or video conferencing. The Notification will also identify the data the SSCA Analysis Team has gathered to be discussed at the SSCA meeting.
- E. If the parent/guardian does not appear for the SSCA meeting, the meeting cannot proceed. A second *Parent/Guardian Notification of Conference* form will be sent home with at least ten calendar days' notice of the rescheduled SSCA meeting. If the parent/guardian does not appear for the second scheduled SSCA meeting, the meeting cannot proceed, and a third *Parent/Guardian Notification of Conference* form will be sent home with at least ten calendar days' notice of the rescheduled SSCA meeting. If the parent/guardian does not appear for the third scheduled SSCA meeting, the meeting cannot proceed, and the SSCA Analysis Team will send the *Student Specific Corrective Action Parent Nonattendance Notification* notifying the parent/guardian that no more SSCA meetings will be scheduled unless the parent/guardian contacts the SSCA Analysis Team and requests an SSCA meeting with two proposed dates that work for the parent/guardian.
- F. The SSCA Document begins with the *Student Specific Corrective Action – Analysis* screen, which will be auto-populated to indicate the SSCA area(s) and school year(s) potentially impacted, as identified by the District and/or parent/guardian. If warranted, the SSCA Analysis Team may consider additional SSCA areas or school years identified at the meeting. If analysis of newly identified areas or school years requires the collection of additional data, the SSCA Analysis Team will schedule a time to reconvene to review that data.
- G. The SSCA Analysis Team will first ask whether the student was denied or delayed the specified service, eligibility, or placement during the 2016-17 and/or 2017-18 school year(s) due to the procedures identified in the Public Inquiry Report, and if so, for what specific time period during those years.
- If the data gathered by the SSCA Analysis Team is inconclusive with respect to the delay/denial question, the SSCA Analysis Team will choose a “Yes” response for that area/year.
 - With respect to SSCA requests related to the budget appeal process, if the SSCA Analysis Team (including the parent/guardian) is unable to gather any documentary evidence showing a delay or denial related to the position funding and budget appeals processes, the SSCA Analysis Team will choose a “No” response.
 - The determination and basis will be explained on the SSCA Document.

H. If the SSCA Analysis Team determines that a delay/denial occurred in any SSCA area and year, the SSCA Analysis Team will next ask whether the student made expected progress in light of their unique circumstances during the time period identified in part G above.

- The SSCA Analysis Team will conduct a holistic and individualized analysis of the available data, including parent input, and make a professional and reasonable judgment.
- If the SSCA Analysis Team is unable to gather data regarding the student's progress and expected progress, the SSCA Analysis Team will default to a "No" response to the expected progress question for that area/year.
- The determination and basis will be explained on the SSCA Document.

I. Eligibility for remedy:

- If the SSCA Analysis Team determines that a delay/denial occurred in an SSCA area and year and that the student did not make expected progress, the student is eligible for a remedy. Parents/Guardians will be offered the menu of UER options, but depending on the length of the delay or denial or the lack of progress, the SSCA Analysis Team will have the authority to commit to other compensatory services and reimbursement beyond what is included on the menu.
 - Parents/guardians requesting changes to their child's current IEP should request an IEP meeting to consider the student's current needs and services. The SSCA and IEP processes are separate and distinct from one another.
- If the SSCA Analysis Team does not find a delay/denial or finds that the student made expected progress, the student will not be offered an individualized remedy. However, if the student was originally offered a UER, that remedy will still be available.

J. At the end of the SSCA meeting, the parent/guardian will be asked if they agree or disagree with the SSCA Analysis Team's decision. If the parent/guardian disagrees, a narrative box is available on the SSCA document to memorialize the parent's/guardian's disagreement. The SSCA document also has a *Parent Concern* text box, which may be used to document any other concerns the parent/guardian may have.

K. The parent/guardian will receive an *SSCA Parent Notification of Summary* form at the conclusion of the meeting that summarizes the findings of the SSCA Analysis Team and any remedies agreed to.

- **NOTE:** If the SSCA Analysis Team agreed to a remedy, this form will include a waiver of claims, which the parent/guardian must sign and return to CPS before the agreed upon services will begin or

reimbursement will be provided. The waiver will include all issues and years that may fall within SSCA.

- **NOTE:** The parent/guardian will also receive a copy of their SSCA procedural safeguards, which outline their options if they disagree with the decisions made by the SSCA Analysis Team.
- L. The SSCA Central Office Team will coordinate with UER programs to track the services provided.
- M. Parents/guardians can notify the SSCA Central Office Team if issues arise with the UER programs. Questions regarding SSCA can be emailed to ssca@cps.edu.

Procedural changes that may have caused delays or denials of services, eligibility, or placement:

Area	Procedures
Transportation	If the school was a magnet, magnet cluster, selective enrollment, charter, contract, or options school, the ODLSS District Representative needed to be part of the IEP team discussion. If the school was the student’s neighborhood school, the ODLSS District representative needed to be part of the IEP team discussion if the reason for transportation was because the student was a threat to self or others or was unable to navigate travel to school safely. The ODLSS District Representative had to either be physically present at the IEP meeting or delegate their role to the school through completion of the <i>ODLSS DR Review Form</i> .
Extended School Year	The ESY section of the IEP did not open for the regression/recoupment discussion until after January 17th during the 2016-17 school year or after November 15th during the 2017-18 school year and closed May 10 th . The <i>ESY Data Collection - Fall Regression/Recoupment</i> form, which required ten weeks of data, also had to be finalized in order for the section to open. If the school was considering ESY for critical skills, the ESY section of the IEP did not open until after spring break. The <i>ESY Data Collection - Critical Skills/Special Circumstances</i> form had to be finalized; ODLSS District Representative authorization was required for eligibility under special circumstances; Principal sign off was required for critical skills.
Paraprofessional	The <i>Paraprofessional Justification Form</i> , which required five unique days of data in the relevant academic or behavior support areas across settings and Principal sign-off, had to be finalized in order for the paraprofessional question in Section 10-A to open.
Specific Learning Disability	Prior to determining a student eligible with an SLD, the IEP team needed to gather at least ten weeks (two five-week interventions that were not concurrent) of data regarding tiered supports and interventions (i.e., MTSS) and enter the data into the <i>Learning Environment Intervention (LEI)</i> form.
Therapeutic Day School	Prior to consideration of placement in a therapeutic school, the team was required to implement function-based interventions and monitor progress with data collection for a minimum of five weeks. The school team was supposed to review progress monitoring data and make any necessary changes/additions to the interventions, which had to be implemented for at least five additional weeks. ODLSS District Representative authorization was required for placement in a therapeutic school.
Budget	CPS’s special education position funding and budget appeals processes during the 2016-17 and 2017-18 school years may have caused the paraprofessional support or specialized instruction required by the student’s IEP to be delayed or denied while

	the school requested additional funds for a special education position needed to implement the service or because such a request was denied.
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Data that may be relevant to whether the identified procedures caused a delay or denial of services, eligibility, or placement:

Area	Data
Transportation	<ul style="list-style-type: none"> ▪ enrollment data for the 2016-17 and/or 2017-18 school years indicating whether the student attended their neighborhood school or a school of choice (e.g. magnet, magnet cluster, selective enrollment, charter, contract, or options) ▪ data showing whether the ODLSS District Representative attended the IEP meeting, or whether the ODLSS District Representative delegated their authority (e.g. notice of conference, IEP cover sheet, and ODLSS DR Review Form) ▪ attendance data for the 2016-17 and/or 2017-18 school years
Extended School Year	<ul style="list-style-type: none"> ▪ data showing whether the 2016-17 IEP meeting date was before January 17 and/or the 2017-18 IEP meeting date was before November 15th and not reconvened to consider eligibility based on regression/recoupment, or whether the IEP meeting was held after May 10 ▪ data showing whether the IEP meeting date for the 2016-17 and/or 2017-18 was before spring break and not reconvened to consider critical skills ▪ the ESY data collection forms ▪ data showing whether the ODLSS District Representative attended the IEP meeting, or whether the ODLSS District Representative delegated their authority for eligibility under special circumstances ▪ data showing whether the Principal signed off on the data collected related to critical skills
Paraprofessional	<ul style="list-style-type: none"> ▪ data showing whether the Paraprofessional Justification Form was completed or whether it was left in draft ▪ the IEPs for the 2016-17 and/or 2017-18 school years indicating whether the student still required a paraprofessional and whether the student in fact received paraprofessional support during the affected school year ▪ any data related to the decision not to provide the student with a paraprofessional ▪ data showing whether the Principal attended the IEP meeting and/or signed off on the data collected ▪ see: Section 7 General Considerations (narrative referenced paraprofessional support), Section 10-B Accommodations: General (paraprofessional attached to chosen accommodations), Section 11 Specialized Instruction (paraprofessional listed as "Other Provider"), and/or Section 12 LRE Grid (paraprofessional listed as a consulting provider)
Specific Learning Disability	<ul style="list-style-type: none"> ▪ data from the student's SSM documents showing whether the Learning Environment Intervention (LEI) form was left in draft and whether there was any explanation (e.g. psychological report indicating that the student did not meet the criteria for specific learning disability)

Area	Data
	<ul style="list-style-type: none"> ▪ data showing whether the FIE meeting in the relevant school year(s) was continued because the school needed ten weeks of MTSS data that included two different five-week interventions that were not concurrent
Therapeutic Day School	<ul style="list-style-type: none"> ▪ data showing whether IEP meetings were continued because the team did not have two sets of five weeks of behavior intervention data ▪ data showing whether the ODLSS District Representative was in attendance and/or whether the ODLSS District Representative approved the change in placement
Budget	<ul style="list-style-type: none"> ▪ data showing whether the student's 2016-17 and/or 2017-18 IEP(s) required paraprofessional support and/or specialized instruction from a special education teacher ▪ documentation or reports showing whether such support was provided, including records from the substitute center and staffing schedules ▪ the school's budget appeal request record, including the Budget Appeals Review and Decision Report and any available documentation supporting the appeal request ▪ SY 2017 and/or SY 2018 CPS Budget Appeals Review Committee Meeting Minutes ▪ feedback from the principal, case manager, parent, or other relevant team members ▪ any relevant and available communication related to implementing the student's IEP and/or the budget appeal

Qualitative and quantitative data that may be relevant to whether the student made expected progress:

Primary	Secondary	
<ul style="list-style-type: none"> ▪ IEP goals, benchmarks, and progress reports ▪ Report cards/transcripts ▪ Benchmark assessments (NWEA/MAP, DIBELS/TRC MClass) ▪ PSAT/SAT ▪ Progress monitoring data (EasyCBM, AIMSWeb, F&P) ▪ Norm referenced test scores (KTEA-3, WIAT-3) ▪ Previously attempted interventions 	<ul style="list-style-type: none"> ▪ School attendance ▪ Mobility ▪ Disciplinary records ▪ Behavior logs/BAG reports ▪ Work samples ▪ Interviews ▪ Correspondence between parent and school ▪ Progress notes ▪ Classroom assessments ▪ Classroom observations 	<ul style="list-style-type: none"> ▪ Prior evaluations ▪ Rating Scales ▪ Outside evaluation data ▪ State assessments ▪ Test item/error analysis ▪ Language & cultural considerations ▪ Environmental factors (home stressors, trauma)

PROCEDURAL SAFEGUARDS

If parents/guardians disagree with the UER offered by CPS, they should request an SSCA meeting. If parents/guardians disagree with the CPS 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” at <https://www.isbe.net/Pages/Special-Education-Effective-Dispute-Resolution.aspx>.

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 can be found here. <https://www.isbe.net/monitor>

Lawyers that are free or low-cost and give advice on special education law are listed at https://cps.edu/diverselearners/Documents/ISBE_AdvocacyResourcesForParents.pdf. If parents/guardians would like to talk to a lawyer at no cost who represents parents about SSCA questions or would like to learn more about their options, they may call (312) 895-7231. Interpreters are available.

Any State Complaint, request for State-sponsored mediation, or request for an impartial due process hearing must be filed within the 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, 2021.

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.

- a. Name of person filing the complaint
- b. Name of the student
- c. Contact information for the way the parent/guardian prefers to be contacted
- d. 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 CPS 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 . 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:

- a. The SSCA team decision was correct. Appeal denied.
- b. 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.
- c. The SSCA team decision was not correct. The ISBE Monitor orders CPS to offer a universal enrichment remedy to the student.
- d. 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.

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 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.

SSCA Frequently Asked Questions

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). 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 or 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 forego 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. What 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, additional or different 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 setting, 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 #32 and 33.

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 SSCA remedies. Additionally, if the SSCA Analysis Team determines there was a delay/denial but the student made expected progress, the student is not entitled to SSCA remedies.

18. Who will make the SSCA decision?

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

19. Can a 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, 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 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, they 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 a student 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 paraprofessional support but the school was not able to fill the position and the student did not receive paraprofessional support that school year, is that a delay/denial qualifying for SSCA?

Generally no, unless the student's paraprofessional support was 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 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 notice of who to contact to request a compensatory education meeting.

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 "Procedural Safeguards" and FAQs #27 through #34.

For more information about how to submit an ISBE State Complaint, request State-sponsored mediation, or request an impartial due process hearing, visit the ISBE website within the Special Education page under “Effective Dispute Resolution,” at <https://www.isbe.net/Pages/Special-Education-Effective-Dispute-Resolution.aspx>.

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 CPS 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 four possible outcomes:

- a. The SSCA team decision was correct. Appeal denied.
- e. 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.
- f. The SSCA team decision was not correct. The ISBE Monitor orders CPS to offer a universal enrichment remedy to the student.
- g. 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.

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, 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.

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 ssca@cps.edu, or contact 773-553-1843. Additional resources, including a webinar, video overview, UER infographic, Approved Provider List, UER Guidelines, and New Vendor and Parent Vendor Guide, can be found at the ODLSS website at <https://cps.edu/diverselearners/Pages/DistrictActionPlanwithISBE.aspx>.

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

The Equip for Equality hotline can connect parents/guardians to a number of different advocate services. Parents/guardians can call Equip for Equality 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. Alternatively, parents/guardians can access a list of advocate organizations at https://cps.edu/diverselearners/Documents/ISBE_AdvocacyResourcesForParents.pdf.