



Preventing and Responding to Sexual Misconduct against Students in Chicago Public Schools

Follow-Up Report

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Executive Summary

In the year since we issued our Preliminary Report, CPS has vastly improved its overall infrastructure for addressing sexual misconduct. CPS implemented many of the recommendations from our Preliminary Report and made significant progress toward protecting its students from sexual misconduct. In this Follow-Up Report, we evaluate CPS' efforts to implement the recommendations from our Preliminary Report and make follow-up recommendations for CPS to continue its momentum to protect CPS students.¹

Preliminary Evaluation

The Chicago Board of Education retained Schiff Hardin LLP in June 2018 to conduct an independent, comprehensive evaluation of CPS' policies and procedures for preventing and responding to sexual misconduct involving students. Soon after, the Chicago Tribune published a series of articles titled *Betrayed*, which revealed a significant number of incidents of sexual misconduct against CPS students and identified many systemic failures that caused, contributed to, or failed to prevent those incidents. The purpose of our evaluation was not to investigate particular instances of past abuse, but rather to improve CPS' policies and procedures to better protect students going forward.

During the summer of 2018, we reviewed CPS' existing policies, training materials, and communications regarding sexual misconduct, as well as thousands of other documents and records from past investigations. We interviewed about 100 CPS employees, including CEO Dr. Janice Jackson, Board President Frank Clark, all 13 network chiefs, 48 principals, and 21 assistant principals from schools across the district. We also researched and evaluated best practices and the policies, procedures, and practices in other school districts, colleges, and universities throughout the United States.

On August 16, 2018, we issued a Preliminary Report to share our initial findings and recommendations to CPS before the 2018/2019 school year. That report identified systemic deficiencies in CPS' efforts to prevent and respond to incidents of sexual misconduct. Our Preliminary Report detailed systemic deficiencies in training, reporting, aggregating data, tracking trends, and comprehending the extent of the sexual misconduct facing CPS students. While CPS had policies and procedures in place that addressed sexual misconduct, our Preliminary Report found that CPS did not consistently train employees on those policies and procedures.

¹ While this report can be read independently from our Preliminary Report, we recommend that the reader review our Preliminary Report from August 2018, which is publicly available from several sources. *See, e.g.*, WTTW, <https://news.wttw.com/sites/default/files/article/file-attachments/Maggie%20Hickey%20-%20Preliminary%20Report%20-%2008.17.2018.pdf> (last visited September 20, 2019).

There were also no mechanisms to ensure that CPS uniformly implemented the existing policies and procedures or evaluated whether those policies and procedures were effective. To help CPS address these deficiencies, our Preliminary Report contained key recommendations in the following seven categories: implementing Title IX, prevention, policies and procedures, training, reporting, investigations, and response.

To its credit, CPS did not wait for our report to begin addressing its deficiencies. As detailed in our Preliminary Report, CPS took immediate action last summer to better prevent and respond to sexual misconduct against students. CPS took many of those steps after consulting with Schiff Hardin LLP partner Maggie Hickey, who is leading our engagement. For example, on June 27, 2018, CPS announced that it would create the Office of Student Protections and Title IX (OSP) to coordinate its efforts to protect students from sexual misconduct. Also in June 2018, CPS announced that it would require new background checks for all employees, vendors, coaches, and Level One volunteers before the start of the 2018/2019 school year.

Additionally, the Board directed the Office of the Inspector General for the Board (OIG) to review all cases involving sexual misconduct by a CPS-affiliated adult against a student since 2000 and transferred responsibility for investigating all future such cases to OIG. CPS also asked Ms. Hickey to speak at the 2018 Legal Conference to address the importance of CPS' policies and procedures to prevent, identify, and report sexual misconduct and inappropriate relationships. Ms. Hickey's presentations reached over 1,100 principals, assistant principals, and other CPS employees.

Our Preliminary Report recognized that CPS' efforts were ongoing and emphasized that much work needed to be done. We indicated that our evaluation would continue and that we would conduct additional interviews and seek to learn more about various constituencies within CPS. We also stated that Ms. Hickey would continue to advise CPS on an ongoing basis and work with OSP to help ensure that CPS meets its goal of effectively preventing and responding to sexual misconduct involving its students.

Follow-Up Evaluation

Since we completed our Preliminary Report, we have monitored and evaluated CPS' efforts to implement our recommendations. Two of CPS' most significant accomplishments include its ongoing investment in OSP and its creation of the Protecting Chicago's Children (PCC) Task Force.

When CPS established OSP last year, it became one of the first K–12 Title IX offices of its kind in the country. Since then, OSP has become a permanent nerve center for CPS' efforts to prevent, identify, and respond to sexual misconduct against stu-

dents. OSP is responsible for coordinating CPS' compliance with Title IX and ensuring that CPS is free from sexual discrimination, sexual harassment, and sexual violence. OSP consists of about 29 employees who staff three organizational units. The Compliance and Training Unit develops, implements, and monitors training and compliance programs and manages the data generated through those programs. The Coordination Unit coordinates CPS' response to all reports of sexual misconduct affecting students and ensures that CPS fully addresses every reported incident. The Investigations Unit investigates the most serious reports of sexual misconduct by CPS students. OSP also coordinates the district's response to reports of sexual misconduct by CPS-affiliated adults, which OIG's Sexual Allegations Unit investigates.

After our Preliminary Report, CPS also created the PCC Task Force to provide structure and accountability for its efforts to protect students from sexual misconduct and to implement our recommendations. In the last year, the PCC Task Force tracked and monitored CPS' progress toward implementing each of our recommendations by assigning each recommendation a "sponsor" from within CPS' senior leadership as well as an "owner" from that leader's team. The PCC Task Force met regularly to facilitate the implementation of our recommendations and other improvements. And perhaps most importantly, the PCC Task Force helped to overcome the historically siloed nature of CPS' individual departments and foster a district-wide consensus to prioritize student safety.

Because of the importance of OSP and the PCC Task Force in implementing our recommendations, we spent significant time evaluating their policies, procedures, and practices. We interviewed CPS' Chief Title IX Officer, as well as numerous OSP employees. We also interviewed many CPS officials who were responsible for or otherwise involved in implementing our recommendations, including the Chief of Staff, Chief of Safety and Security, Chief Education Officer, Chief Talent Officer, Chief Information Officer, Chief Health Officer, Chief of Procurement, Chief of Community and Family Engagement, Chief of Language and Cultural Education, and General Counsel, as well as many other employees from their departments. We also interviewed representatives of many outside stakeholders, including OIG, the Illinois State Board of Education, the Illinois Department of Children and Family Services, the Chicago Children's Advocacy Center, the Cook County State's Attorney's Office, and the Illinois State Police.

In our follow-up evaluation, we also focused on several specific populations within CPS, for which we interviewed representatives from the Office of Sports Administration and the Office of Diverse Learner Supports and Services, as well as numerous principals and athletic directors. Throughout our follow-up evaluation, Ms. Hickey continued to consult with CPS as issues arose.

We conclude that CPS' overall infrastructure for addressing sexual misconduct has vastly improved since our Preliminary Report and that CPS has made significant progress toward protecting its students from sexual misconduct. CPS has implemented meaningful improvements in all of the categories outlined in our Preliminary Report:

- ▶ **Implementing Title IX.** CPS established and staffed a Title IX office (OSP) and designated and trained a Title IX representative at 97% of all district schools. CPS also created the PCC Task Force to coordinate its efforts to implement our recommendations and address issues regarding sexual misconduct throughout CPS.
- ▶ **Prevention.** CPS refreshed all employee, vendor, and volunteer background checks for the 2018/2019 school year, implemented policies to refresh all background checks on an ongoing basis, and began requiring reference checks for all new school-based employees. CPS also established a Risk Management Committee to identify personnel risks not captured by background and reference checks.
- ▶ **Policies and Procedures.** CPS launched a comprehensive review of all of its policies, including those regarding sexual misconduct. CPS also better implemented its policies by updating employee and student handbooks, conducting district-wide training, and distributing easy-to-read marketing materials.
- ▶ **Training.** In addition to designating and training a Title IX representative at nearly all district schools, CPS also partnered with experts and developed mandatory district-wide trainings for employees on how to prevent, identify, report, and respond to sexual misconduct, as well as targeted trainings for specific CPS schools and departments.
- ▶ **Reporting.** CPS overhauled its reporting procedures by establishing clear avenues for reporting sexual misconduct allegations; recording and tracking all allegations; tracking and analyzing data; and sharing that data publicly. CPS has taken steps to create a culture of reporting by encouraging transparency, adhering to due process, and ensuring that stakeholders have a clear understanding of rights, responsibilities, and expectations.
- ▶ **Investigations.** CPS revised its investigative procedures by ensuring that trained and impartial experts at OSP and OIG conduct its investigations and coordinate with all investigatory authorities and relevant entities. CPS has endeavored to make investigations more efficient, including minimizing victim interviews, and to include a children's advocate during student interviews when appropriate.

- ▶ **Response.** CPS made OSP the nerve center for its response to allegations and incidents of sexual misconduct. OSP now coordinates the district’s communications and support services. CPS also implemented appropriate disciplinary measures to hold CPS-affiliated adults accountable when they violate policies and procedures.

In total, CPS estimates that it spent more than \$6.7 million during the 2018/2019 school year on initiatives intended to protect students from sexual misconduct. CPS has also budgeted over \$7.8 million for such initiatives during the current 2019/2020 school year. And CPS’ work is ongoing. In fact, CPS continued to make progress up to the final day of this follow-up evaluation.

This report evaluates CPS’ accomplishments to date and makes follow-up recommendations in the same categories as in our Preliminary Report, with one exception. This report does not contain a separate section regarding implementing Title IX requirements because CPS has established OSP to better implement Title IX. Instead, we have addressed those efforts in the other corresponding categories. In addition, the final section of this report highlights several specific populations within CPS that pose unique concerns regarding sexual misconduct. Specifically, we discuss athletics, diverse learners, students with a history of sexual misconduct, and security officers. We examine protective measures already in place for these groups and make additional recommendations to address certain specific concerns.²

While CPS has taken important steps, CPS must ensure that it creates lasting change, not only to its policies, procedures, and organization charts but also to the culture at each of its schools. As we said in our Preliminary Report, good intentions are not good enough. To that end, during this evaluation, CEO Dr. Janice Jackson has reiterated CPS’ ongoing commitment to student safety:

I made a commitment last year to ensure that students are safe in our schools and have no barriers to accessing our educational programs. From building the Office of Student Protections and Title IX, to re-checking the backgrounds of all adults in our schools, establishing our first Student Bill of Rights, and retraining our staff to identify and address abuse — we’ve worked to transform the culture in our district to one that more effectively protects students and helps them heal. I know there is more to do — there will always be more to do to ensure that our learning environments are safe and accessible to all our students — and CPS is committed to con-

² By addressing these specific populations, we do not imply that other identifiable groups do not also warrant particular attention. CPS should continue to identify and address all vulnerable groups as it works with experts to develop and audit its practices.

tinually building on what we've done to ensure every child in Chicago can learn and grow in a school district that is safe and supportive.

CPS must regularly re-examine and reinforce its policies and procedures to make sure they are working. To that end, many of our follow-up recommendations involve monitoring compliance, auditing to evaluate compliance, and conducting data analysis to detect non-compliance. We recognize that many of these recommendations will be time and resource intensive, but they are necessary to determine whether current policies and procedures are effective, to identify areas for improvement, and ultimately, to protect CPS students from sexual misconduct. The ultimate goal for CPS is to establish a district-wide culture that prevents sexual misconduct.

Implementing Title IX

Preliminary Report Recommendations

- ▶ Create and fully staff a Title IX Office.
- ▶ Designate at least one trained contact in each school.
- ▶ Create a comprehensive plan to prevent and respond to sexual misconduct against students in compliance with Title IX and best practices.

Key Improvements

- ▶ Created the Office of Student Protections and Title IX.
- ▶ Designated Title IX school representatives in nearly all district schools.

Follow-Up Recommendations

- ▶ Continue assessing and providing sufficient resources to OSP.
- ▶ Ensure compliance with the terms of the OCR Resolution Agreement.

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Prevention

Preliminary Report Recommendations

- ▶ Streamline background checks for employees, vendors, and volunteers.
- ▶ Refresh background checks on an ongoing, staggered basis until CPS develops a reliable method of receiving up-to-date information regarding new arrests and convictions.
- ▶ Require reference checks with previous employers that include a mandatory question about allegations and adjudications regarding sexual misconduct.
- ▶ Create agreements with other districts and entities to share information, to the extent possible, to prevent predators from regaining access to students.
- ▶ Consider an age restriction and additional screening or oversight requirements for specific types of volunteers.
- ▶ Require all adults to display photo-IDs while in schools.

Key Improvements

- ▶ Refreshed all employee, vendor, and volunteer background checks for the 2018/2019 school year.
- ▶ Implemented a policy to refresh volunteer and coach background checks annually.
- ▶ Implemented a policy to refresh employee and vendor background checks on an ongoing, staggered basis until CPS develops a reliable method of receiving up-to-date information regarding new arrests and convictions.
- ▶ Implemented a policy to obtain reference checks for all new teachers and school-based staff.
- ▶ Established a Risk Management Committee to assess risks not captured by other preventative measures.

Follow-Up Recommendations

- ▶ Monitor district-wide compliance with the Volunteer Policy.
- ▶ Monitor district-wide visitor management practices until a comprehensive visitor management system can be implemented.
- ▶ Ensure that CPS personnel consult CPS' "Do Not Hire" List when providing references for former CPS employees.
- ▶ Continue the Protecting Chicago's Children Task Force as a permanent task force that will continually assess district-wide culture regarding preventing sexual misconduct.

Summaries continue on the next page...

Policies and Procedures

Preliminary Report Recommendations

- ▶ Comply with Erin’s Law: create and implement clear policies and procedures, including rules and standards for appropriate boundaries between adults and students.
- ▶ Maintain current policies, procedures, and guidelines in one, easily searchable source.
- ▶ Ensure that policies and procedures regarding sexual misconduct against students are available to everyone, including students, parents, and guardians.
- ▶ Convert policies and procedures into easy-to-read student materials that highlight the most important takeaways.
- ▶ Monitor compliance to address weaknesses and new and unique challenges across schools and grade levels.
- ▶ Create or update uniform employee, student, parent, and guardian handbooks that contain all relevant policies and procedures regarding sexual misconduct involving students and appropriate boundaries.

Key Improvements

- ▶ Created the “Policy Working Group” to review, monitor, and update CPS’ policies and procedures for accuracy and efficacy.
- ▶ Took steps to comply with Erin’s Law by creating and better implementing clear policies and procedures, including rules and standards for appropriate boundaries between adults and students.
- ▶ Ensured that policies and procedures regarding sexual misconduct against students are available to everyone, including students, parents, and guardians.
- ▶ Updated uniform employee handbooks and student handbooks, which contain all relevant policies and procedures regarding sexual misconduct involving students and appropriate boundaries.
- ▶ Converted policies and procedures into condensed, easy-to-read student materials that highlight the most important takeaways and are consistent, engaging, and age-appropriate.

Follow-Up Recommendations

- ▶ Maintain current policies and procedures in one, easily searchable source.
- ▶ Continue updating policies and procedures on an ongoing basis.
- ▶ Monitor compliance with all policies and procedures regarding sexual misconduct.
- ▶ Update the Travel Policy to require CPS-affiliated adults to obtain a signed consent form every time they transport a student in a private vehicle and to file an incident report when they fail to do so.

Training

Preliminary Report Recommendations

- ▶ Train and frequently remind CPS employees, vendors, and volunteers how to prevent, identify, report, and respond to sexual misconduct—and that they are responsible for doing so. This training should include the following:
 - Annual webinars for all adults who participate in school programs and events;
 - Annual DCFS Mandatory Reporting Training;
 - A notification checklist for the entire CPS community;
 - Annual, district-wide training sessions during student and employee orientation;
 - Age-appropriate education regarding sexual misconduct and appropriate boundaries across all grade levels; and
 - Training sessions for parents and guardians.
- ▶ Create accountability for trainings by requiring proof of attendance and comprehension and by tying this proof to evaluations.
- ▶ Use experts to train CPS employees.

Key Improvements

- ▶ Designated and trained Title IX school representatives at nearly all district and charter schools.
- ▶ Trained CPS employees on how to prevent, identify, report, and respond to sexual misconduct and their responsibility to do so.
- ▶ Created accountability for mandatory employee trainings by requiring proof of attendance and comprehension.
- ▶ Partnered with experts to train CPS employees and members of the Title IX Office.
- ▶ Created age-appropriate curriculum regarding sexual misconduct and appropriate boundaries across all grade levels.

Follow-Up Recommendations

- ▶ Train vendors and volunteers on how to prevent, identify, report, and respond to sexual misconduct.
- ▶ Restructure the Sexual Health Education curriculum requirements to prioritize curriculum on consent and comprehensive sexual violence prevention.
- ▶ Pursue strategic avenues to train parents and guardians on how to prevent, identify, report, and respond to sexual misconduct.
- ▶ Implement trainings to respond to school-specific concerns.

Summaries continue on the next page...

Reporting

Preliminary Report Recommendations

- ▶ Provide clear avenues for mandatory, optional, and anonymous reporting of sexual misconduct.
- ▶ Clarify what type of conduct triggers mandatory reporting requirements, particularly conduct that may be categorized as “grooming.”
- ▶ Implement a system to report and track allegations and incidents.
- ▶ Log and analyze data, identify trends, and regularly share data with stakeholders.
- ▶ Create a culture of reporting through transparency, due process, and clear understandings of rights, responsibilities, and expectations, including prohibiting retaliation for raising a concern or reporting an incident.
- ▶ Train CPS employees on “information gathering” to address school issues and on filing effective reports without unnecessarily interrupting schools, re-traumatizing victims, or jeopardizing future DCFS, OIG, criminal, or Title IX Office investigations.
- ▶ Provide administrators a straight-forward notification and reporting checklist with key contact information.

Key Improvements

- ▶ Established clear avenues for reporting sexual misconduct and systems to track these reports.
- ▶ Clarified what type of conduct triggers mandatory reporting requirements, particularly conduct that may be categorized as “grooming.”
- ▶ Logged and analyzed data and regularly shared this data with stakeholders.
- ▶ Created a culture of reporting through transparency, due process, and clear understandings of rights, responsibilities, and expectations, prohibiting retaliation for raising a concern or reporting an incident.
- ▶ Trained CPS employees on “information gathering” to address school issues and on filing effective reports without unnecessarily interrupting schools, re-traumatizing victims, or jeopardizing future DCFS, OIG, criminal, or Title IX investigations.
- ▶ Provided administrators with a straight-forward reporting checklist with key reporting information.

Follow-Up Recommendations

- ▶ Ensure that Aspen effectively elicits all necessary information and prompts users to take required and appropriate next steps.
- ▶ Eliminate the Student Logger reporting system.
- ▶ Consider changing OSP’s case management system.
- ▶ Use data to identify school-specific concerns, including schools that under-reporting.

Investigations

Preliminary Report Recommendations

- ▶ Ensure trained and impartial experts conduct investigations, interviews, and interrogations.
- ▶ Train administrators to handle and preserve evidence.
- ▶ Coordinate with all investigatory entities to make investigations more efficient and minimize victim interviews.
- ▶ Include a children’s advocate at victim interviews.
- ▶ Clarify standards for when to remove employees from the school pending an investigation.

Key Improvements

- ▶ Ensured that trained and impartial experts conduct investigations, interviews, and interrogations.
- ▶ Trained administrators on how to preserve evidence.
- ▶ Coordinated with all investigatory authorities and relevant entities to make investigations more efficient and minimize victim interviews.
- ▶ Included a children’s advocate at appropriate victim interviews.

Follow-Up Recommendations

- ▶ Provide OSP with additional investigators to accommodate the volume of OSP investigations.
- ▶ Provide additional instruction and support for school-based investigations.
- ▶ Audit OSP and OIG’s sexual misconduct investigations regularly.

Summaries continue on the next page...

Response

Preliminary Report Recommendations

- ▶ Hold employees, vendors, and volunteers accountable when they violate the policies and procedures with discipline that is commensurate with the violation.
- ▶ Ensure CPS students have, are aware of, and receive social and emotional supports and victim services.
- ▶ Ensure that schools sufficiently emphasize these supports across all regions and demographics, as warranted.
- ▶ Use experts, such as the Chicago Children's Advocacy Center, to train employees on how to provide appropriate support for student victims and student perpetrators.
- ▶ Develop a district-wide protocol for appropriately communicating sexual-misconduct incidents and allegations.

Key Improvements

- ▶ Held employees, vendors, and volunteers accountable when they violated policies and procedures with discipline that was commensurate with the violation.
- ▶ Made OSP the nerve center for the CPS community to learn about and receive student support services.
- ▶ Developed a district-wide protocol for appropriately communicating sexual misconduct incidents and allegations in OSP cases.
- ▶ Ensured that CPS students have, are aware of, and receive social and emotional support services.
- ▶ Used experts, such as the Chicago Children's Advocacy Center, to train employees on how to provide appropriate support for student victims and student offenders.

Follow-Up Recommendations

- ▶ Monitor the district-wide utilization of support services to ensure that schools sufficiently emphasize supports across all regions and demographics.
- ▶ Develop a district-wide protocol for appropriately communicating sexual misconduct incidents and allegations in OIG investigations.
- ▶ Monitor employee discipline to ensure that discipline is proportionate to the offense(s).

Specific Populations

Key Improvements

- ▶ Implemented a centralized eligibility screening process for all coaches and required that all coaches receive annual background checks.
- ▶ Implemented a centralized hiring pool for security officers and administered security-specific sexual misconduct training to all security officers.

Follow-Up Recommendations

- ▶ Consider a requirement that all coaches, including volunteer coaches, who are not full-time CPS employees have at least three years of post-high school work experience before coaching at the high school level.
- ▶ Provide effective means for coaches to communicate with their teams without violating the Acceptable Use Policy.
- ▶ Facilitate student transportation to and from athletic events in a manner that complies with the Student Travel Policy.
- ▶ Train coaches and student athletes to prevent, identify, report, and respond to sexual misconduct.
- ▶ Monitor incidents and allegations of sexual misconduct involving security officers, and evaluate the efficacy of security officer training.
- ▶ Require pre-employment training for Special Education Classroom Assistants, including training on how to maintain appropriate boundaries when working with students with different types of disabilities.
- ▶ Adapt Sexual Health Education curriculum for diverse learners.
- ▶ Implement specialized procedures for investigating and responding to complaints of sexual misconduct involving diverse learners.
- ▶ Monitor compliance with and efficacy of safety plans for students with a history of sexual misconduct.

Background

This section provides background information to help readers better understand the scope of the issues facing CPS, the nature and substance of our evaluation, and the follow-up recommendations contained in the subsequent sections of this report.

Sexual Misconduct against Primary and Secondary School Students

Definitions

Definitions and terms used to describe inappropriate sexual behavior vary across regions, communities, and laws. This report uses the term “sexual misconduct” to refer to all types of inappropriate sexual behavior, including sex crimes—such as sexual harassment, abuse, and assault—and violations of policies—such as consensual sexual contact between a teacher and an adult student. “Sexual misconduct” also includes behavior that could be innocuous if not for an adult’s wrongful intent to create a sexual relationship with a student. Predators use “grooming,” for example, to lower boundaries and create opportunities to engage in and normalize sexual contact. Grooming can include conduct ranging from sending sexually explicit text messages to using seemingly innocent nicknames. When relevant, this report refers to specific terms and definitions.

Primary and Secondary Schools Nationwide

A child victim of sexual misconduct can suffer a tremendous amount of harm.³ Victims can suffer serious psychological, physical, academic, and behavioral consequences that last a lifetime.⁴ Long-term symptoms can include “chronic headaches, fatigue, sleep disturbance, recurrent nausea, decreased appetite, eating disorders, sexual dysfunction, suicide attempts, fear, anxiety, depression, anger, hostility, and poor self-esteem.”⁵ Victims are also more likely to suffer from substance abuse⁶ and to be sexually abused as an adult.⁷

Given the harm caused by sexual misconduct against students, even one student victim is too many. The cost of what could have prevented the harm will always be

³ This report addresses sexual misconduct against students, and although sexual misconduct is a concern in all workplaces, this report does not specifically address sexual misconduct against adults.

⁴ See Magnolia Consulting, LLC, *A Case Study of K–12 School Employee Sexual Misconduct: Lessons Learned from Title IX Policy Implementation* (September 15, 2017) at 2, available at <https://magnoliaconsulting.org/wp-content/uploads/2017/11/Full-Report-Department-of-Justice-School-Employee-Sexual-Misconduct-Case-Study.pdf>.

⁵ *Id.*

⁶ *See id.*

⁷ *See id.*; see also Katie A. Ports, Derek C. Ford, and Melissa T. Merrick, *Adverse childhood experiences and sexual victimization in adulthood*, CHILD ABUSE & NEGLECT 313-322 (January 2016) at 51, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4713310/>.

less than the harm caused by the offense, and for most cases of sexual misconduct, the question is frequently whether or at what stage a particular policy or procedure could have prevented the crime from occurring.

To put CPS' systemic deficiencies in perspective, it is important to understand the nationwide problem of sexual misconduct against students. While accurate statistics on sexual misconduct are difficult to gather, available figures indicate that the numbers are high. In 2016 alone, national child-protective-services agencies substantiated or found strong evidence to believe that there were 57,329 children victims of sexual abuse.⁸

The National Institute of Justice, the Office of Justice Programs, and the U.S. Department of Justice hired Magnolia Consulting to study sexual misconduct against primary and secondary school students by adults: "A Case Study of K–12 School Employee Sexual Misconduct."⁹ On September 15, 2017, Magnolia Consulting released a report with several key findings that are particularly relevant to this report:

- ▶ **Victims.** While there is no national database tracking reported incidents of school employee sexual misconduct, research suggests that an estimated 1 in 10 students will experience sexual misconduct by a school employee by the time they graduate from secondary school. Victims of sexual misconduct by a school employee cross all demographics, but most student victims are often low income, female, and in secondary school. Students with disabilities are also more likely to be victims of sexual misconduct.¹⁰

- ▶ **Offenders.** Offenders are typically male, popular in their school, and often recognized for "excellence."¹¹ While offenders work in various positions, employees who spend individual time with students—such as specialty teachers,

⁸ United States Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau *Child Maltreatment Survey 2016* (2018), available at <https://www.acf.hhs.gov/sites/default/files/cb/cm2016.pdf>. For the purposes of the 57,329 a year figure, "sexual abuse" is defined as a "[a] type of maltreatment that refers to the involvement of the child in sexual activity to provide sexual gratification or financial benefit to the perpetrator, including contacts for sexual purposes, molestation, statutory rape, prostitution, pornography, exposure, incest, or other sexually exploitative activities." *Id.*

⁹ Magnolia Consulting, *A Case Study of K–12 School Employee Sexual Misconduct*.

¹⁰ *Id.* at 2. Members of the Lesbian, Gay, Bisexual, and Transgender (LGBTQ+) community may also be victimized at disproportionate rates. See, e.g., S. Bryn Austin et. al., *Disparities in Child Abuse Victim in Lesbian, Bisexual, and Heterosexual Women in the Nurses' Health Study II*, 17 J. WOMENS HEALTH 597-606 (May 2008), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3912575/>; Centers for Disease Control and Prevention, *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation* (2010), available at https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf.

¹¹ Magnolia Consulting, *A Case Study of K–12 School Employee Sexual Misconduct*, at 2.

coaches, and counselors—are more likely to engage in sexual misconduct. Offenders can span all ages, ethnicities, and income levels.¹² On average, offender teachers move through three different districts before being stopped and can have as many as 73 victims.¹³

- ▶ **Schools.** Only 20 states currently require school districts to provide sexual misconduct awareness and prevention training to school employees.¹⁴ While many schools have adopted formal policies regarding sexual misconduct, school employees remain largely “unaware of what school employee sexual misconduct is, what the warning signs are, and how and to whom to report it.”¹⁵ And although the vast majority of states have mandatory reporting laws that require school employees to report suspected child abuse, many “school employees are apprehensive about reporting school employee sexual misconduct to authorities for a variety of reasons, including the potential stigma and loss of reputation for the school or district, as well as fear of legal repercussions and liability for monetary damages.”¹⁶ For these reasons, only about 5% of sexual misconduct by school employees is properly reported.¹⁷ The result is that many unreported cases are handled informally, disregarding law and policy. If a sexual predator is not convicted and does not have a clear disciplinary record that is shared with a new prospective employer, that person can “quietly leave the district, potentially to seek work elsewhere.”¹⁸ Even when incidents of sexual misconduct are properly reported, investigations are often botched by improper collection and preservation of evidence, prematurely tipping off an accused party, and improper witness and victim interviews by school administrators (including principals and assistant principals).¹⁹

These studies suggest that most schools in the nation need to do better.

¹² *Id.*

¹³ *Id.*; see also U.S. Government Accountability Office, *Report to the Chairman, Committee on Education and Labor, House of Representatives: K–12 Education— Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct* (December 2010), available at <http://www.gao.gov/assets/320/313251.pdf>.

¹⁴ See *State Laws Mandating or Allowing Child Sexual Abuse Education in Schools*, The Enough Abuse Campaign, available at <https://www.enoughabuse.org/legislation/mapping-state-legislative-efforts/csa-education-in-schools.html>.

¹⁵ Magnolia Consulting, *A Case Study of K–12 School Employee Sexual Misconduct*, at 5.

¹⁶ *Id.*

¹⁷ *Id.* Magnolia Consulting also provided an example from a 1994 study in New York State, which found that “only 1% of the 225 cases superintendents disclosed to researchers were reported to law enforcement or child welfare and resulted in license revocation.” *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 6.

Chicago Public Schools

CPS is the nation’s third largest school district, with over 360,000 students across 642 schools, including 514 district-run schools, 118 charter schools, nine contract schools, and one SAFE school, which is for students who have been expelled from other schools due to violence.²⁰ Most district schools are either primary schools—from pre-kindergarten or kindergarten through eighth grade—or secondary schools—from ninth grade through twelfth grade. About 70% of CPS students attend primary schools.

CPS Student Demographics

The over 600 Chicago public schools vary dramatically in size, demographics, school and community cultures, and scholastic achievement. As a result, different schools face different challenges and must set different priorities based on their students’ varying needs. CPS’ 2018/2019 student demographics were as follows:

RACE/ETHNICITY²¹

Hispanic.....	46.7%
Black.....	36.6%
White.....	10.5%
Asian.....	4.1%
Other.....	2.0%

SOCIO-ECONOMIC STATUS²²

Tier 1 (lowest).....	29.1%
Tier 2.....	27.2%
Tier 3.....	26.0%
Tier 4 (highest).....	16.8%

STUDENTS IN TEMPORARY LIVING SITUATIONS2.7%
(about 9,586 students)

LIMITED ENGLISH PROFICIENCY18.7%

²⁰ See Chicago Public Schools, *CPS Stats and Facts*, https://cps.edu/About_CPS/At-a-glance/Pages/Stats_and_facts.aspx (last visited September 20, 2019).

²¹ See *id.*

²² According to CPS’ website, about 76.6% of CPS students in 2018/2019 were economically disadvantaged. See *id.* CPS has found that the economically disadvantaged figure is not as reliable as the tier system, which bases socio-economic status on median family income, percentage of single-parent households, percentage of households where English is not the first language, percentage of homes occupied by the homeowner, and level of adult education.

With household languages including Spanish, Arabic, English, Cantonese, Urdu, Yoruba, French, Swahili, Portuguese, Polish, Ukrainian, Assyrian, Vietnamese, Tagalog, and others

STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS

As of 2017:14.1%

CPS-Affiliated Adults

Throughout the calendar year, adults affiliated with CPS can be in schools for a wide variety of reasons (throughout this report we refer to these adults collectively as “CPS-affiliated adults”). CPS has over 36,000 full-time employees, including administrators, teachers, counselors, administrative assistants, security officers, janitors, and many other employees needed to run hundreds of schools and offices throughout Chicago. Many of these employees belong to unions with their own bargaining agreements, including the Chicago Teachers Union and the Service Employees International Union. Other employees work part-time, including substitute teachers, coaches, and lunchroom aides.

There are also various instances when parents or guardians enter schools. For example, in addition to hosting parents for teacher conferences, disciplinary meetings, student events, and early dismissals, at least 13 schools also house a CPS Parent University, which provides classes for adults in the community.

CPS also has over 4,000 active vendors. Some, like custodial employees from Aramark Corporation, work permanently in a single school, while many others, like food delivery vendors, enter many different schools. CPS also has many volunteers, including parents, guardians, and students from other schools. Some district schools also share their buildings and parking lots with other schools, vendors, churches, or public entities, such as the Chicago Park District. Some also lease their facilities for events, such as sporting events, summer camps, community meetings, fundraising activities, and parking.

CPS District Organization

CPS’ Chief Executive Officer, Dr. Janice Jackson, and Central Office manage CPS, and they report to the Chicago Board of Education. The Central Office has many departments. The following departments are particularly relevant to this report:

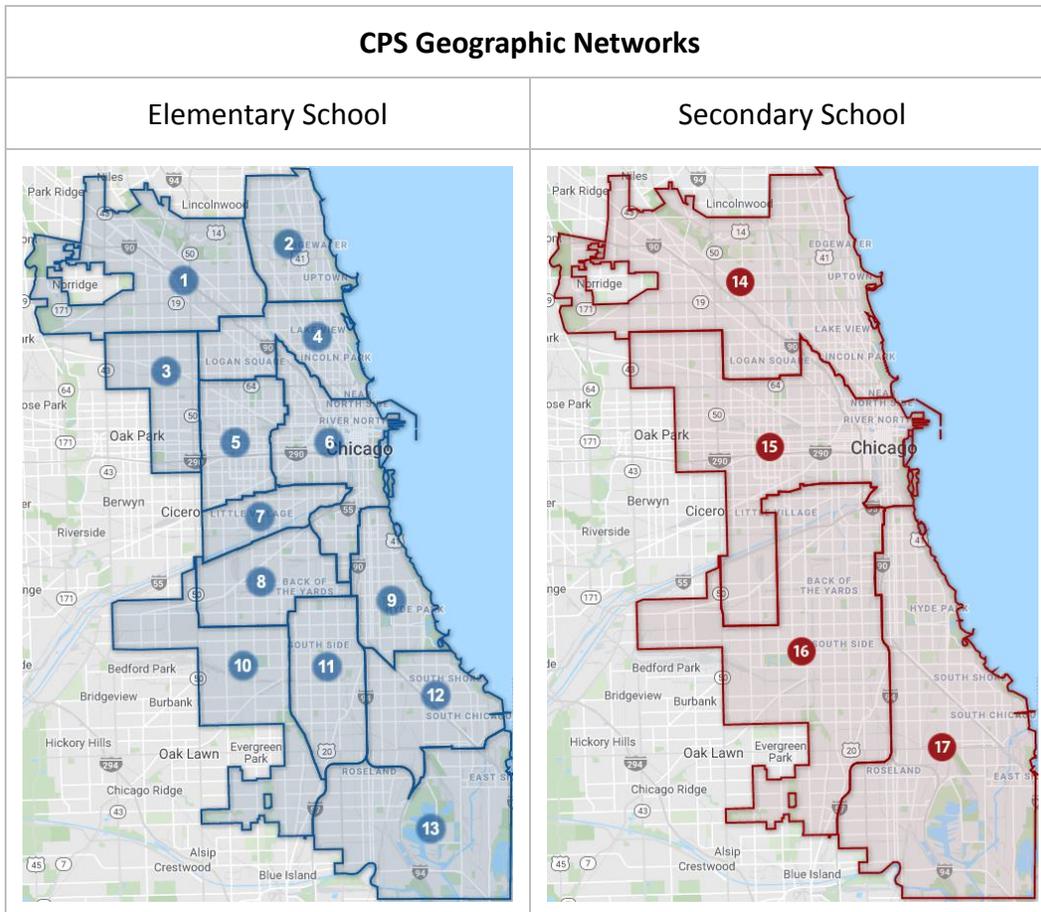
- ▶ The Office of Student Protections and Title IX,
- ▶ The Law Department,

- ▶ The Safety and Security Department,
- ▶ The Talent Office (also known as Human Resources),
- ▶ Office of Diverse Learner Supports and Services (also known as the Special Education Department),
- ▶ The Office of Student Health and Wellness,
- ▶ The Office of Family and Community Engagement in Education (or “FACE”),
- ▶ The Office of Language and Cultural Education,
- ▶ Local School Council Relations Office,
- ▶ The Department of Facilities – Asset Management,
- ▶ The Department of Procurement,
- ▶ Information and Technology Services, and
- ▶ The Communications Department.

CPS organizes most district-run schools into networks led by network chiefs and their employees, which may include deputy chiefs, data strategists, instructional support leaders, and administrative support. The network chiefs report to the Office of Network Support. School principals report directly to network chiefs, except for independent school principals, who may run their schools independent of a network office after they meet certain qualifications and obtain CPS approval.

When we started our preliminary evaluation, CPS had 13 networks divided by geographic region, and each network included primary and secondary schools. Since our Preliminary Report, CPS separated its high schools into four separate networks. CPS now has 17 total networks, with 13 elementary school networks and 4 high school networks. This separation allows network chiefs to better focus on the particular needs of the schools in their network.²³

²³ See Chicago Data Portal, *Chicago Public Schools – Geographic Networks*, available at <https://data.cityofchicago.org/Education/Chicago-Public-Schools-Geographic-Networks/3y7n-mx9t> (last visited August 16, 2018).



The CPS Central Office does not have full control over schools. Local School Councils, for example, have discretion to hire and fire principals. In addition, CPS shares responsibilities for student safety with the following stakeholders:

- ▶ The Office of the Inspector General for the Chicago Board of Education,
- ▶ The Illinois State Board of Education,
- ▶ The Illinois Department of Children and Family Services,
- ▶ The Illinois State Police Department, and
- ▶ The Chicago Police Department.

The Office of Student Protections and Title IX and the Office of the Inspector General for the Board

Because CPS' Office of Student Protections and Title IX (OSP) and the Office of the Inspector General for the Board (OIG) feature prominently in our Follow-Up Report, we provide background information on these offices here.

In June 2018, CPS announced the creation of OSP, and OSP began supporting schools on September 4, 2018. OSP is responsible for coordinating CPS' response to all incidents of sexual misconduct involving CPS students. OSP is led by CPS' Chief Title IX Officer, who serves as CPS' Title IX Coordinator (Title IX Coordinator).²⁴ The Title IX Coordinator reports directly to CPS' CEO. At the time that CPS created OSP, CPS' then Deputy General Counsel served as the Title IX Coordinator while CPS searched for a qualified candidate to fill the position. On March 27, 2019, CPS announced its new Title IX Coordinator, who currently leads OSP. CPS' current Title IX Coordinator is a licensed attorney and mediator, and she served as the Title IX coordinator at a university for over eight years before she joined CPS.

OSP is comprised of three Units:

- ▶ The Investigations Unit investigates reports of sexual misconduct committed by CPS students against other CPS students ("student-to-student" sexual misconduct).
- ▶ The Coordination Unit manages intake of all reports of sexual misconduct involving CPS students, including reports of student-to-student and adult-to-student sexual misconduct, and coordinates OSP's response to these reports.
- ▶ The Compliance and Training Unit works to ensure that CPS complies with Title IX and implement training on how to prevent, identify, report, and respond to sexual misconduct.

CPS estimates that it spent about \$1,280,000 to fund OSP for the 2018/2019 school year, and CPS has budgeted \$2,476,000 to fund OSP for the 2019/2020 school year.

OIG is an independent oversight body for CPS. OIG was historically responsible for investigating allegations of waste, fraud, and financial mismanagement in CPS. After OIG requested that CPS transfer sexual abuse investigations to OIG,²⁵ the Board passed a resolution that empowered OIG to investigate reports of sexual misconduct by CPS-affiliated adults where a CPS student may be the victim ("adult-to-student" sexual misconduct).²⁶ The Board also directed OIG to review sexual misconduct cases dating back to at least 2000.²⁷

²⁴ Schools that receive federal funding must have a Title IX Coordinator. See 34 CFR § 106.8.

²⁵ See Matt Masterson, *CPS Watchdog Says His Office Should Handle Sex Abuse Investigations*, WTTW (June 6, 2018), available at <https://news.wttw.com/2018/06/06/cps-watchdog-says-his-office-should-handle-sex-abuse-investigations> (last visited September 25, 2019).

²⁶ See Board Resolution 18-0627-RS4, available at http://www.cpsboe.org/content/actions/2018_06/18-0627-RS4.pdf.

²⁷ See *id.*

OIG now has a Sexual Allegations Unit, which started taking complaints of adult-to-student sexual misconduct allegations on October 1, 2018. The CPS Inspector General and the deputy inspector general supervise the Sexual Allegations Unit. A chief investigator, an assistant chief investigator, and two assistant inspectors general lead the Sexual Allegations Unit and its staff, which includes four intake specialists who receive adult-to-student sexual misconduct complaints, investigators who investigate those complaints, and attorneys who document those investigations in investigative reports. CPS estimates that it spent about \$1,326,500 to fund OIG's Sexual Allegations Unit during the 2018/2019 school year, and CPS has budgeted nearly \$4,000,000 to fund the Unit for the 2019/2020 school year.

Schiff Hardin's Evaluations

Scope of the Evaluations

In June 2018, the Chicago Tribune released a series of articles titled *Betrayed*.²⁸ The series drew attention to, among other things, a significant number of incidents of sexual misconduct against CPS students throughout the city.

Just before the Tribune published the *Betrayed* series, the Chicago Board of Education retained Maggie Hickey, a partner at Schiff Hardin LLP, to conduct an independent, comprehensive evaluation of CPS' policies and procedures for preventing and responding to sexual misconduct by adults against CPS students. During our preliminary evaluation, the Board expanded the scope and asked Ms. Hickey to also evaluate CPS' policies and procedures for preventing and responding to sexual misconduct among students. We received the full cooperation of the Board and CPS during our evaluation.

Maggie Hickey leads the Schiff Hardin team. Ms. Hickey joined Schiff Hardin in April 2018 as a partner and the practice group leader for the White Collar Defense and Government Investigations Group. Before she joined Schiff Hardin, Ms. Hickey had a distinguished career in public service, most recently as the Illinois Executive Inspector General for the Agencies of the Illinois Governor and, earlier in her career, as an Assistant U.S. Attorney and the Executive Assistant United States Attorney for the Northern District of Illinois. The current Schiff Hardin team also includes another Schiff Hardin partner, William Ziegelmueller, who has extensive experience in internal reviews, and Schiff Hardin associates, Meredith R.W. DeCarlo, Anthony-Ray Sepúlveda, and Brooke Clason Smith.

Less than a month after the Chicago Tribune published the *Betrayed* series, the Board directed OIG to review "sexual misconduct cases dating back to at least the

²⁸ See David Jackson, Jennifer Smith Richards, Gary Marx, and Juan Perez Jr., *Betrayed: Chicago schools fail to protect students from sexual abuse and assault, leaving lasting damage* (June 1, 2018), available at <http://graphics.chicagotribune.com/chicago-public-schools-sexual-abuse/> (last visited September 25, 2019).

year 2000, and further if determined necessary by the Inspector General or the Board President.”²⁹ At OIG’s request, the Board also transferred the responsibility for investigating all future allegations of sexual misconduct against CPS students by CPS-affiliated adults to OIG.³⁰

Our evaluation and reports differ in scope from OIG’s review of past incidents. The Board did not task Ms. Hickey with determining “who knew what and when.” As a result, rather than duplicating OIG’s ongoing work reviewing past incidents, we focused on improving policies, procedures, and practices to protect students moving forward. Although we examined specific incidents of sexual misconduct, our review of those incidents was limited to identifying systemic deficiencies that led to the incidents and that can inform our recommendations for systemic change.

Although the Board retained Schiff Hardin for this evaluation, we have functioned independently of CPS and the Board. The findings and recommendations in our reports are exclusively our own. Further, we have identified many issues that are outside of CPS’ control. Some problems are endemic to society and require societal changes. Others require legislative action at the federal, state, or local levels. Still others require actions or contributions by other school districts or government agencies. As a result, we have continually sought feedback from stakeholders about our reports and CPS’ efforts.

Summary of Our Preliminary Evaluation Methodology

To facilitate our preliminary evaluation, CPS provided us with access to thousands of documents, including policies, procedures, and records regarding past investigations. We interviewed CPS’ senior leadership, including CEO Dr. Janice Jackson, Board President Frank Clark, all 13 CPS network chiefs, 48 principals, and 21 assistant principals, representing 40 primary schools and 29 secondary schools.³¹ We also interviewed other CPS employees as to their experience regarding background checks, software and reporting systems, investigations, and training programs. In addition, we researched and evaluated best practices and the policies, procedures, and practices in other school districts, colleges, and universities throughout the United States. These types of information are scarce in the K–12 context.

²⁹ See Chicago Board of Education, 18-0627-RS4: Resolution Regarding Inspector General Nicholas Schuler Resolution (June 27, 2018), *available at* http://www.cpsboe.org/content/actions/2018_06/18-0627-RS4.pdf.

³⁰ *Id.*

³¹ We selected school administrators based on a combination of random selection, recommendations by CPS network chiefs, and deliberate choice to ensure that we spoke to leaders of primary and secondary schools that represented the broad economic, social, ethnic, and geographic diversity of Chicago schools and the children they serve.

Ms. Hickey consulted with CPS on an ongoing basis throughout our preliminary evaluation. She also gave presentations at each of the seven days of CPS' 2018 Legal Conference, reaching over 1,100 attendees, including Central Office employees, network chiefs, principals, and assistant principals.

In August 2018, we issued a Preliminary Report detailing systemic deficiencies in CPS' efforts to prevent and respond to incidents of sexual misconduct. Our preliminary evaluation showed systemic deficiencies in training, reporting, aggregating data, tracking trends, and comprehending the extent of the sexual misconduct facing CPS children. Our Preliminary Report included key recommendations to CPS to help rectify these deficiencies.

Our Preliminary Report recognized that CPS' efforts were ongoing and emphasized that much work remained to be done. We indicated that our evaluation would continue and that we would conduct additional interviews and attempt to learn more about various constituencies within CPS.

Summary of Our Follow-Up Evaluation Methodology

Our follow-up evaluation examined CPS' efforts to implement the recommendations from our Preliminary Report. To that end, we interviewed much of CPS' senior leadership, including the Chief of Staff, Chief of Safety and Security, Chief Education Officer, Chief Talent Officer, Chief Information Officer, Chief Health Officer, Chief of Procurement, Chief of Community and Family Engagement, Chief of Language and Cultural Education, Chief of Diverse Learner Support Services, General Counsel, and Title IX Coordinator, as well as many other employees from these departments. Due to the importance of CPS' new Office of Student Protections and Title IX in implementing our recommendations, we spent significant time interviewing employees from OSP and working to understand and evaluate OSP's policies, procedures, and practices.

Our follow-up evaluation also focused on several specific populations within CPS, including athletics, diverse learners, students with a history of sexual misconduct, and security officers. To better understand the unique issues presented by these populations, we interviewed representatives from the Office of Sports Administration and the Office of Diverse Learner Supports and Services, as well as many principals and athletic directors.

We also interviewed representatives from many outside stakeholders, including OIG, the Illinois State Board of Education, the Illinois Department of Children and Family Services, the Chicago Children's Advocacy Center, the Cook County State's Attorney's Office, and the Illinois State Police.

Throughout our follow-up evaluation, Ms. Hickey continued to consult with CPS as issues arose. We attended various meetings with both internal CPS constituencies

and external stakeholders. We also attended the 2019 CPS Legal Conference, where we administered an anonymous survey designed to quantify participants' knowledge of newly implemented policies and procedures.

We appreciate the cooperation and support we received from the Board, CPS, and all of the people who met with us and assisted our evaluation. Everyone whom we met demonstrated genuine concern for student safety, a sincere willingness to embrace necessary changes, and gratefulness for the attention, focus, and resources that CPS is now directing to protect students.³²

This report summarizes the key improvements that CPS has made since our Preliminary Report, contains the conclusions from our follow-up evaluation, and sets forth our recommendations for continued improvements going forward. Because CPS' effort to prevent sexual misconduct in its schools is ongoing, and should continue perpetually, we do not consider this a "final" report. We encourage CPS to continuously evaluate the progress it is making toward implementing our recommendations and other improvements necessary to achieve its goal of protecting all CPS students from sexual misconduct.³³

³² The Chicago Teachers' Union President is the only person we contacted who failed to respond to our inquiries. We made multiple attempts to contact him by phone, by email, and through his assistant and office, during both our preliminary and follow-up evaluations.

³³ As we were finalizing this report, on September 12, 2019, the Department of Education's Office for Civil Rights (OCR) issued a report summarizing the results of its investigation into two sexual misconduct complaints and CPS' response to those complaints. *Letter Re OCR Docket Nos. 05-15-1178 and 05-17-1062* (September 12, 2019), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05151178-a.pdf>. As OCR noted, its findings are consistent with those contained in our Preliminary Report. *Id.* at 26. While it was not within the scope of our follow-up evaluation to assess CPS' response to the OCR report, we believe that our recommendations will help CPS comply with Title IX and, in some instances, go further than legal requirements to ensure the safety of its students.

Roadmap

This report addresses the same six substantive categories as our Preliminary Report: (1) Prevention, (2) Policies and Procedures, (3) Training, (4) Reporting, (5) Investigations, and (6) Response. Although these six categories overlap in some respect, they track Title IX requirements and we have found the category distinctions to be analytically useful. Within each section, we summarize CPS' past and present practices, evaluate the progress CPS has made in implementing the recommendations from our Preliminary Report, and provide follow-up recommendations to help ensure CPS' ongoing compliance with Title IX and the protection of CPS students.

This report does not contain a separate section regarding implementing Title IX requirements because CPS has established its Office of Student Protections and Title IX to spearhead its efforts to comply with Title IX, and we address those efforts throughout the six categories referenced above.

The final section of this report discusses our findings regarding several specific CPS populations that pose unique concerns related to sexual misconduct: athletics, diverse learners, students with a history of sexual misconduct, and security officers.³⁴

³⁴ As referenced above, by addressing these specific populations, we do not imply that other identifiable groups do not also warrant particular attention. CPS should continue to identify and address all vulnerable groups as it works with experts to develop and audit its practices.

Prevention

I. Prevention

KEY IMPROVEMENTS

- Refreshed all employee, vendor, and volunteer background checks for the 2018/2019 school year.
- Implemented a policy to refresh volunteer and coach background checks annually.
- Implemented a policy to refresh employee and vendor background checks on an ongoing, staggered basis until CPS develops a reliable method of receiving up-to-date information regarding new arrests and convictions.
- Implemented a policy to obtain references for all new teachers and school-based staff.
- Established a Risk Management Committee to assess risks not captured by other preventative measures.

FOLLOW-UP RECOMMENDATIONS

- Monitor district-wide compliance with the Volunteer Policy.
- Monitor district-wide visitor management practices until a comprehensive visitor management system can be implemented.
- Ensure that CPS personnel consult CPS' "Do Not Hire" list when providing reference checks for former CPS employees.
- Continue the Protecting Chicago's Children Task Force as a permanent task force that will continually assess district-wide culture regarding preventing sexual misconduct.

The purpose of this entire report is to assist CPS in preventing sexual misconduct against students. There are many ways to achieve this goal including by keeping predators off school premises, identifying would-be offenders before they harm a child, stopping an offender from harming a child again, and deterring sexual misconduct by conducting swift and effective investigations and adjudications. As with the prevention section in our Preliminary Report, this section focuses specifically on mechanisms to prevent sexual misconduct by securing schools through background checks, reference checks, and building security. In short, CPS has implemented most of the recommendations from our Preliminary Report regarding these mechanisms and has initiated additional measures to identify and prevent

risks that these specific mechanisms may not detect. We conclude with a summary of our follow-up recommendations, including that CPS must assess district-wide culture to ensure that its efforts to prevent sexual misconduct are understood and implemented at every school throughout the district.

A. Background Checks

1. CPS Background Check Process

In our Preliminary Report, we observed that CPS had historically housed responsibility for background checks in several different CPS departments and that CPS administered its background-check process inconsistently. Since 2018, Safety and Security has been responsible for all CPS background checks.

At the time of our Preliminary Report, Safety and Security had seven employees dedicated to conducting background checks, and each employee had responsibility for a category of CPS-affiliated adults: one for CPS employees; two for vendors; two for charter schools; one for volunteers; and one for field experience (student teachers). The employees assigned to volunteers and field experience divided responsibility for background checks of Local School Council members. All background-check employees were cross-trained to conduct checks outside of their designated category.

Since our Preliminary Report, Safety and Security has reorganized. Now, Safety and Security has a director of safety initiatives and background check services who oversees three tiers of background check specialists. Tier one specialists perform routine functions, such as database searches. Tier two specialists communicate with the subject of the background check to collect documents and share the results of the check. Tier three specialists perform higher-level functions such as communicating with the Background Check Committee and monitoring department outputs. Under the new structure, the most experienced team members perform the functions that require the highest level of skills.

Comprehensive Background Checks

Safety and Security conducts fingerprint-based criminal background checks. It searches records of the Illinois State Police (state and local), FBI (federal and from other states and localities), state and national sex offender registries, the Murderer and Violent Offender Against Youth registry, DCFS (child abuse or neglect), the City of Chicago's "Do Not Hire" records, and CPS' "Do Not Hire" list. CPS performs one of the most comprehensive background checks in the nation, and this check exceeds most published recommendations regarding background checks of people working with children.³⁵ At present, each background check for CPS and

³⁵ See, e.g., Noy S. Davis, Kathi L. Grasso, Kimberly Dennis, Susan J. Wells, and Marsha B. Liss, U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, *Guidelines for the*

charter school employees costs \$43.50, and each background check for vendor employees costs \$65.25. CPS can complete background checks in as few as 24 hours, but some background checks can take up to 30 days.

CPS also reviews candidates to determine if they have been subject to any abuse and neglect adjudications. In December 2016, the Board amended its policy to allow the Talent Office to consider a candidate or current employee's child abuse and neglect history, including "indicated" findings from DCFS.³⁶ CPS now sends the names of all new CPS employees, vendors, charter and contract school employees, and Level One volunteers to DCFS to obtain any "indicated" findings of child abuse or neglect.³⁷ Since 2016, CPS has also submitted the names of all current employees to DCFS. DCFS has provided information about employees with indicated findings, and CPS has reviewed those findings and disciplined those employees where appropriate, up to and including discharge. Currently, CPS conditionally clears candidates with pending DCFS checks because of the delay in receiving results from DCFS. If CPS receives an indicated finding from DCFS, CPS re-examines the conditionally cleared candidate's employment status. We understand that CPS and DCFS have reached an agreement to formalize this process going forward and are currently finalizing a Memorandum of Understanding (MOU). In the meantime, CPS has a large number of outstanding DCFS requests. CPS expects that this number will diminish after CPS and DCFS finalize the MOU.

We recommend that CPS continue to streamline and automate processes for conducting, tracking, and sharing information about the status of background checks. We understand that CPS is currently evaluating managed services tools for background checks. These tools will allow CPS to streamline background checks by consolidating the various components of background checks (fingerprinting, registry checks, etc.) into one system, so that CPS can perform a single search to see the status of any individual's background check. We endorse that approach and encourage CPS to use it for employees, vendors, and volunteers.

CPS Criminal Background Check Committee

When a background check returns without any "hits"—contacts with law enforcement— or with only minor traffic or immigration hits, Safety and Security automatically clears the candidate. When a background check returns with any other

Screening of Persons Working with Children, the Elderly, and Individuals with Disabilities in Need of Support (1998), available at <https://www.ncjrs.gov/pdffiles/167248.pdf>; Kristen D. Anderson and Dawn Daly, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES WITH THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, *What You Need to Know About Background Screening*, U.S. DEPARTMENT OF JUSTICE (2013), available at <https://ric-zai-inc.com/Publications/cops-p260-pub.pdf>.

³⁶ See Rules of the Board of Education of the City of Chicago, Sec. 4-4(b), available at http://www.cpsboe.org/content/documents/complete_board_rules_december_2017.pdf.

³⁷ As of August 23, 2019, all Illinois school boards must now consider a person's "indicated" finding as a condition of employment. See 105 ILCS 5/34.185(c) and (g) and Public Act 101-0531.

hits, Safety and Security sends the results to the Criminal Background Check Committee (Background Committee), which is housed in the CPS Law Department's Office of Employee Engagement. The Background Committee is responsible for evaluating hits to determine whether a candidate can be cleared to work. The Background Committee reviews roughly 3,000 background checks each year. At the time of our Preliminary Report, the Background Committee was composed of representatives from the following offices: Employee Engagement, Safety and Security, Talent, Equal Opportunity Compliance, Facilities, and Languages and Cultural Education. Recently, CPS added a representative from Family and Community Engagement. By including members from various departments, CPS intends for the Background Committee's various representatives to bring different lenses to its discussions and decision-making. Each representative at a Background Committee meeting receives one vote, and the Background Committee makes decisions about whether to clear or deny candidates by majority vote.

The Background Committee automatically denies candidates in any of the following circumstances:

- ▶ The candidate has been convicted of an "Enumerated Offense" pursuant to Section 21B-80 of the Illinois School Code,
- ▶ The candidate is a registered sex offender or registered under the Illinois Violent Offenders Against Youth database, or
- ▶ The candidate has been designated as Do Not Hire by CPS.

If the candidate's background check contains a hit for a non-enumerated offense, the Background Committee evaluates the hit by soliciting verifying, explanatory, and contextual information from candidates, and in some instances, requests an investigation to ensure that the Background Committee has all relevant information. Generally, a candidate is required to provide a certified disposition for every criminal hit or entry that appears on the candidate's FBI or ISP reports.

In evaluating whether to clear CPS candidates for employment or services, the Background Committee considers felony and misdemeanor convictions. The Background Committee also investigates arrests that did not lead to convictions and dispositions that are not considered convictions. Applicants may need to provide police reports and letters of explanation if they have been arrested for serious violence, including multiple arrests for domestic abuse; a single felony violence charge; sexual conduct; or for an offense where there is a nexus between the arrest and job duties. At the time of our Preliminary Report, CPS had not always performed a full investigation into the circumstances surrounding misdemeanor arrests or convictions that candidates pleaded down from a higher offense, but we understand that the Background Committee is now endeavoring to do so.

The purpose of the Background Committee’s deliberations differs depending on whether a candidate is seeking work in a district school or in a charter or contract school. For district school candidates, the Background Committee aims to achieve consensus regarding the suitability of each candidate for CPS employment or service. Committee members discuss each candidate’s criminal and DCFS background, including any explanatory or contextual materials provided by the candidate or acquired by the Background Committee. For charter and contract school candidates, in comparison, the Background Committee aims to provide the charter or contract school accurate and relevant information for it to make an informed hiring decision.

The Background Committee uses guidance from the Equal Employment Opportunity Commission to evaluate candidates with arrest records and considers the following: the nature and gravity of the offense or conduct, the time that has passed since the conduct or completion of the sentence, and the nature of the job held or sought.³⁸ A denied candidate may appeal the Background Committee’s decision within five days.

At the time of our Preliminary Report, CPS had not formalized these Background Committee procedures. In August 2019, however, the Background Committee enacted official “Procedures Governing the Operations of the Criminal Background Committee,” which codifies these procedures.

2. Background Checks of CPS-Affiliated Adults

CPS’ background-check process must account for the various groups of adults who work and provide services in CPS schools, including CPS employees, volunteers, vendors, charter and contract school employees, student teachers, and local school council members. The following subsections address specific considerations for each of these groups.

CPS Employees

Since August 12, 2004, the Illinois School Code has required school districts to perform a fingerprint-based background check on all employees.³⁹ As referenced above, both the Illinois School Code and Board Rules prohibit CPS from employing anyone who has been convicted of a criminal offense that is enumerated in the Illinois School Code (enumerated offense). These offenses include homicides, sex

³⁸ See U.S. Equal Employment Opportunity Commission, *EEOC Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, No. 915.002 (April 25, 2012), available at https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm.

³⁹ See 105 ILCS 5/34-18.5(a).

offenses, and certain drug offenses.⁴⁰ CPS is also prohibited from employing anyone who has been found to have committed sexual or physical abuse against a minor under the Juvenile Court Act.⁴¹

In 2012, CPS audited its records to ensure that it had at least one background check for all employees on file. CPS determined through this audit that some employees needed to receive a background check, and some of these employees' background checks led to CPS terminating their employment. According to CPS, it has conducted background checks for every new CPS employee since this audit.

A newly hired CPS employee cannot start working until the Talent Office has affirmatively cleared the employee in writing. This policy applies to hourly and miscellaneous employees, athletic coaches, former students, substitute teachers, and any other person applying for a job in schools.

Volunteers

A person convicted of an enumerated offense is ineligible to be a CPS volunteer, as is anyone on a sex-offender registry. While there is no legal requirement that CPS conduct criminal background checks on volunteers, CPS may conduct background checks on volunteers under the Illinois Uniform Conviction Information Act⁴² and the Adam Walsh Act.⁴³

CPS' Volunteer Policy requires all volunteers to complete an application to volunteer through the Family and Community Engagement Department (also known as FACE). FACE has three full-time and five part-time volunteer coordinators. CPS divides volunteers into two groups: Level One and Level Two. CPS policy distinguishes between Level One and Level Two volunteers based on the number of hours spent with students on a weekly basis, whether there is an overnight stay involved, and other characteristics.⁴⁴ The principal at each school, with assistance from FACE, is responsible for reviewing volunteer application forms from eligible candidates, completing an interview with the candidate, as necessary, and determining whether the candidate is a Level One or Level Two volunteer.

Safety and Security conducts a full background check for Level One volunteers, and FACE conducts a registry check for Level Two volunteers. CPS elected not to require full background checks for Level Two volunteers because of their limited amount of unsupervised time with students and the chilling effect it could have on parents and guardians, especially undocumented parents and guardians. Principals have

⁴⁰ See 105 ILCS 5/21B-80.

⁴¹ See 105 ILCS 5/34-18.5(c).

⁴² 20 ILCS 2635/1 *et seq.*

⁴³ 34 USC § 20911 *et seq.* (originally codified at 42 U.S.C. § 16911).

⁴⁴ See CPS Policy Manual § 801.2 (adopted Aug. 22, 2018).

discretion to require Level Two volunteer background checks, but if they elect to do so, they must check all Level Two volunteers serving in their school.

The Background Committee reviews results of Level One volunteer background checks and determines whether to clear volunteers. The Background Committee is not required to adhere to the Equal Employment Opportunity Commission guidance in determining whether to clear volunteers.

The Volunteer Policy specifies that volunteers must receive an approval notice before volunteering in a school. When a volunteer completes the approval process, the volunteer and the volunteer coordinator at the relevant school will receive affirmative notice in writing from FACE. CPS directs questions about a volunteer's clearance to FACE. FACE uses a database called CiviCore to manage and track volunteer applications and clearances.

In our Preliminary Report, we observed that, in practice, most principals we interviewed who had volunteers at their schools did not personally oversee the volunteer intake process or personally conduct interviews of volunteers. Instead, principals delegate this task to subordinates. For example, many athletic directors and coaches have significant discretion in selecting their own volunteers.

Between the 2017/2018 school year and the 2018/2019 school year, CPS experienced a significant spike in volunteer applications. In 2017/2018, FACE received about 16,000 volunteer applications, and in 2018/2019, it received about 60,000 applications. This drastic increase indicates that, before 2018, many principals were likely not adhering to the requirement that all volunteers complete applications and receive clearance before volunteering. Of the approved volunteers in 2018, principals classified 8,581 volunteers as Level One and 53,953 volunteers as Level Two. Given the disparity between Level One and Two volunteers, we recommend that CPS monitor and audit designations of Level One and Level Two volunteers to ensure that the designations accurately reflect the amount of contact between volunteers and students, as outlined in CPS' Volunteer Policy.

Vendors

The Illinois School Code requires districts to conduct fingerprint-based background checks for certain vendors.⁴⁵ CPS uses the same background check used for CPS employees to screen vendor employees who have direct, daily student contact, such as custodians. Vendor employees who have been convicted of an enumerated offense or an offense involving sexual or physical abuse of a minor under the Juvenile Court Act cannot work in CPS buildings.⁴⁶

⁴⁵ 105 ILCS 5/34-18.5(f).

⁴⁶ *See id.*

Certain vendor employees who have little to no student contact, such as landscapers, however, do not have to be background checked. In practice, the standard for determining which vendor employees must submit to a background check can be difficult to administer, and the Background Committee currently makes these decisions on a case-by-case basis. We understand that the Office of Procurement, which manages vendor relationships and contracts, is working toward creating a database to guide decisions about which vendor employees need background checks.

Last summer CPS sent “a directive” to all vendors requiring that their employees with student contact submit to a CPS-conducted background check. Historically, CPS conducted these checks for employees of its largest vendors (*e.g.*, Aramark, Sodexo, and Safe Passage), but other vendors were supposed to conduct background checks themselves. In accordance with the 2018 summer directive, CPS revised every vendor contract that has come up for renewal since that time to provide that CPS, rather than the vendor, conduct all background checks. As of the date of this report, no vendor has refused to comply with this requirement.

The process for ensuring that vendors have received background checks is labor intensive, but CPS is working to automate it. CPS has a database of vendor employees, the Online Data Acquisition system (ODA), which indicates whether employees have passed or failed a background check. Principals can go into this database and determine whether a vendor is cleared to work. Vendor employers enforce the background check policy by sending only vendor employees who have passed a background check, and principals enforce this policy by checking ODA and allowing vendor employees to work in their schools only if they are cleared in ODA.

Charter and Contract Schools

Charter and contract schools (charter schools) are publicly funded but operate independently from CPS. As a result, charter schools can hire their own employees without CPS involvement. Likewise, charter schools are not legally required to comply with CPS background-check policies.

Since 2017, however, CPS has been actively working to ensure that all charter-school employees undergo the same background-check procedures as CPS employees.⁴⁷ CPS has memoranda of understanding with some charter schools to follow CPS’ background-check procedures. And, as described above, the Background

⁴⁷ In October 2017, OIG found that 163 former CPS employees with permanent “Do Not Hire” designations in their CPS files were working at CPS charter and contract schools. As of November 22, 2017, 131 of 142 charter schools voluntarily agreed to use CPS’ background-check process. In response, CPS released the names of the 5 charter operators (11 schools) that refused to follow CPS’ background-check process. See CPS, *CPS Releases List of Charter Schools Refusing*

Committee reviews background checks for prospective charter-school employees and provides relevant information to the charter schools so that they can make fully informed decisions.

Field Experience

Like full-time teachers, student teachers cannot work in CPS if they have been convicted of an enumerated offense or of an offense involving sexual or physical abuse of a minor under the Juvenile Court Act.⁴⁸ The Illinois School Code requires that all student teachers and interns submit to a fingerprint-based background check and pay the costs of the check.⁴⁹

Local School Councils

Members of Local School Councils are required to undergo background checks, and enumerated offenses disqualify a person from serving on a local school council.⁵⁰ Until 2017, the Local School Council Relations Office maintained responsibility for conducting background checks on members of Local School Councils but was not consistently conducting these checks. In 2017, Safety and Security took over responsibility for Local School Council background checks. The Background Committee reviews background check results for Local School Councils. If a Local School Council member has a criminal history containing an enumerated offense, that member will not be cleared to serve on a Local School Council.

Consistent with the recommendation in our Preliminary Report, after each election, all members of Local School Councils now undergo the same background-check procedure as all other adults working in CPS. As of this report, 3,008 Local School Council members have received background checks, and 2,856 have been cleared. Members who did not clear the background-check process cannot serve on their Local School Council. Based on the council election cycles, there are still a small number of Local School Council members who have not been background checked.

to Use CPS Background Check Process (Nov. 22, 2017), https://cps.edu/News/Press_releases/Pages/PR1_11_22_17.aspx. By June 2018, all charter schools had complied with CPS' background check policy.

⁴⁸ See 105 ILCS 5/34-18.5(g).

⁴⁹ See *id.* Initially, there was some confusion about whether the universities providing these student teachers should conduct the students' checks. Subsequent official ISBE guidance, however, states that student teachers should authorize the school district to conduct the background checks, pay the costs, and receive a copy of the report. See Illinois State Board of Education, *Criminal History Records Information (CHRI) Checks for Certified and Non-Certified School Personnel* (Fall 2012) at 7, available at https://www.isbe.net/Documents/guidance_chr.pdf.

⁵⁰ See 105 ILCS 5/34-2.1(f-5).

3. Ongoing Background Checks

The Illinois State Police’s “Rap Back” program is supposed to inform CPS whenever a CPS employee—who has received a fingerprint-based background check—is *convicted* of a crime. CPS then sends that information to the CPS Law Department for review and appropriate disciplinary action. Because the Rap Back program applies only to convictions, there is a long, inherent delay between arrest, conviction, and the notification to CPS—if any notification arrives at all. The Rap Back program applies only to Illinois convictions, so CPS does not receive any notification of convictions in other states or in federal courts. CPS policy requires employees to self-report to CPS when they have been convicted of certain enumerated offenses.⁵¹

As of our Preliminary Report, CPS did not have a consistent practice of conducting additional or ongoing background checks for any groups after the initial check. Instead, CPS relied entirely on self-reporting and the Illinois Rap Back program. In our Preliminary Report, we observed that CPS’ reliance on the Illinois Rap Back program was insufficient because it applies only to CPS employees and Illinois convictions. We note that Illinois Public Act 100-0718, which took effect on January 1, 2019, authorizes the Illinois State Police to expand its Rap Back Service to include FBI records. At present, however, the Illinois State Police has not yet implemented the federal rap back service authorized by the new legislation.

Last summer, CPS announced a background check “refresh.” All employees, vendors, and Level One volunteers were required to submit to a new background check through the CPS background-check process. CPS did not allow any employees to return to work until they completed the background-check process. CPS rechecked 99.14% of all employees by the first day of the 2018/2019 school year.

The refresh process consisted of the following five steps:

- ▶ 1) gathering and running fingerprints;
- ▶ 2) analyzing fingerprint results;
- ▶ 3) taking interim action on employees who had potentially serious criminal histories (*i.e.*, histories that included suspected serious violence, non-consensual sexual contact, drugs other than possession, and compromised integrity);
- ▶ 4) investigating underlying circumstances of suspected criminal histories (including Background Committee, Law Department, and OIG investigations); and
- ▶ 5) making return-to-work or disciplinary/dismissal decisions.

⁵¹ See Rules of the Board of Education of the City of Chicago, Secs. 4 and 5, *available at* http://www.cpsboe.org/content/documents/complete_board_rules_december_2017.pdf.

For this background check refresh, Safety and Security conducted *all* of the background checks, including those of vendor employees whose employers would typically conduct their own background checks. CPS relied on principals to provide updated lists of the volunteers, vendors, and coaches working in their schools through ODA and CiviCore.

During the refresh, CPS checked/rechecked backgrounds of 68,000 CPS-affiliated adults, of which:

- ▶ 99% of more than 43,000 employees were cleared;
- ▶ 99.9% of teachers were cleared;
- ▶ 97% of coaches were cleared;
- ▶ 94% of volunteers were cleared; and
- ▶ 88% of vendors were cleared.

As a result of the background check refresh, CPS undertook employment actions for 484 employees, including the following:

- ▶ Investigating and clearing 210 employees;
- ▶ Investigating and initiating dismissal proceedings against 95 employees based on criminal history issues;
- ▶ Investigating and initiating dismissal proceedings against 13 employees for reasons unrelated to criminal history; and
- ▶ Preventing 123 substitute teachers from working in CPS schools for failure to provide a fingerprint.

By conducting the background check refresh, CPS made significant progress toward ensuring that all adults working in schools have been background checked under uniform, rigorous standards.

CPS also implemented our recommendation to exert control over background checks for all charter school employees to the greatest extent legally permissible and implement the same ongoing background-check procedures as for CPS employees. CPS amended its Memorandum of Understanding with charter schools to allow CPS to conduct all charter school employee background checks.

In sum, since our Preliminary Report, CPS has made significant progress toward ensuring that it checks all adults for criminal activity on an ongoing basis after they begin working in the schools. CPS now requires that all coaches and Level One

volunteers receive annual re-checks. Each year, principals must resubmit any desired volunteer applications from the previous year, and these volunteers will receive a new background check and clearance notification.

CPS will also re-check all employees and vendors on an ongoing, staggered basis. Although CPS has not yet formalized this policy, as of this report, CPS plans to re-check employees and vendors on a three-year cycle beginning with the 2019/2020 school year. Each year, CPS will re-check one-third of its employees and vendors, ensuring that no employee goes more than three years without an updated background check.

While CPS has made improvements to its background check policies, it must be vigilant in ensuring that these policies are enforced.

B. Reference Checks

Another mechanism for preventing sexual misconduct in CPS schools is through reference checks, *i.e.*, communicating with a candidate's previous employer(s) before hiring a school-based employee. Prospective school-based CPS employees must include a list of references in their employment applications. At the time of our Preliminary Report, the Talent Office did not handle reference checks. Instead, the hiring principal determined whether to check one or more of the listed references. In practice, CPS principals did not always perform reference checks before they recommended hiring a candidate and submitted the candidate to the Background Committee for clearance. In many cases, a hiring principal did not perform a formal reference check because the principal received an endorsement or referral for the candidate from someone they trusted, such as other teachers or employees. In other instances, principals simply did not perform a reference check.

CPS' "Do Not Hire" list supplements CPS' reference check process. The CPS Law Department may designate any former CPS employees as Do Not Hire. The Do Not Hire list provides an important supplement to formal criminal background searches, as it includes former CPS employees who, in some cases, resigned after allegations were made against them but before formal findings were entered. The Do Not Hire list thus provides an important backstop to prevent CPS from inadvertently re-hiring a candidate who was previously accused, but not convicted, of sexual misconduct. While CPS principals reported that they are likely to be candid with other CPS administrators regarding whether a candidate resigned amidst allegations of impropriety, the list exists in case principals do not call a candidate's previous CPS employer or the previous principal no longer works for the district.

If a candidate has not worked within CPS, however, the reference-check process becomes more important given the absence of a Do Not Hire list that would include people who worked in other school districts. Unfortunately, out-of-district reference checks often do not yield fruitful information. Many states regulate the

information that a former or current employer may permissibly disclose to a prospective employer. In addition to applicable state laws, many employers and school districts have adopted their own formal policies that limit the information disclosed in response to a reference check. Because of those laws and policies, many employers receive answers to reference checks that are designed more to minimize potential liability than to provide useful information about candidates.⁵²

In our Preliminary Report, we recommended that CPS create a consistent reference-check process for all prospective school-based hires, and that the reference-check process include a mandatory question regarding any allegations of sexual misconduct. To generate truthful responses from a candidate's former employer, we also recommended that CPS require candidates to sign a release or consent form stating that the candidate waives all claims against CPS and the candidate's former employer and authorizing the former employer to provide information about the candidate.⁵³ To ensure that CPS does not illegally deny employment, the CPS Law Department should develop appropriate forms for candidates to authorize the release of information.

Consistent with our recommendation, CPS has now added reference checks to the required workflow that principals must complete before they extend an offer of employment to new school-based teachers and staff. CPS conducts reference checks through a third-party online platform called "Checkster."

Checkster notifies a candidate by email when a principal initiates the reference check process. The email provides the candidate with a link to Checkster's reference portal, where the candidate enters contact information for each reference and provides information about the nature and length of the candidate's relationship with each reference. CPS requests five references, including two supervisors. Checkster then generates an email inviting each reference to complete an online questionnaire about the candidate. While Checkster's questionnaire does not currently include a specific question about sexual misconduct, it does ask each reference whether he or she would rehire the candidate. Checkster also asks each reference questions about the nature and length of the reference's relationship with the candidate and compares the responses to those provided by the candidate. Checkster sends emails to keep the candidate advised as to the status of the requested references. When CPS receives the minimum number of three references, Checkster provides an aggregated, anonymous report to the principal summarizing

⁵² We note that although many organizations have "no response" policies for reference checks, there is some incentive to respond truthfully regarding dangerous former employees because failing to disclose such information could potentially lead to liability for the former employer if the employee engages in additional misconduct at his or her new employer.

⁵³ The form of the waiver may need to vary depending on the state in which the former employer is located.

the responses. CPS has provided principals with guidance as to interpreting the results of a Checkster reference report.

The Checkster platform has certain limitations, but it is a valuable addition to CPS' hiring process. CPS should continue to train its officials to obtain and rely on Checkster reports while also encouraging them to pursue reference checks through other means, such as by calling previous employers. One of the primary limits of Checkster is that candidates are able to self-select their references. This means that a candidate can omit a reference that may disclose information regarding sexual misconduct. CPS should train its hiring personnel to ask for references from all previous employers and to look for unexplained gaps in a candidate's employment history.

C. Building Security

School security has been a focus area for CPS in recent years, particularly regarding gun violence. School building security is partially outside the scope of our evaluation, but we discuss building security insofar as it is relevant to preventing sexual misconduct.⁵⁴ Improvements to building security will help ensure that unauthorized people are not able to commit misconduct in schools and reduce the opportunities for misconduct by people who are rightfully in schools.

As noted above, CPS is one of the largest school districts in the nation. Each school is unique. In some instances, multiple schools are located within a single building; in other instances, a single school spans multiple buildings.⁵⁵ CPS is currently evaluating multiple mechanisms to enhance building security district-wide. First, we understand that CPS is planning to have security audits conducted at every district school over the course of the 2019/2020 school year. We endorse this plan and encourage CPS to use the results of these audits to guide school-specific security improvements.

Second, we understand that CPS is evaluating comprehensive visitor management systems, and we also endorse this approach. The system should track visitor sign-in/sign-out, print identification passes, and contain background-check clearance information for all employees, vendors, and volunteers. CPS should also ensure that this system integrates with the background check managed services tool that

⁵⁴ Nearly all known incidents of sexual misconduct at CPS were committed by a trusted adult or a student, rather than by a stranger who snuck into the school.

⁵⁵ To illustrate the differences between schools that affect potential district-wide security measures, we note that one school even has a 78-acre campus that includes a functioning farm and that some other schools share their buildings with other organizations, such as the Chicago Park District.

it selects. This type of system will significantly enhance each school's ability to account for everyone who enters the building and ensure that CPS has cleared those individuals. It will also allow CPS to monitor and track visitors district-wide.

Regarding the anticipated new visitor management system, we reiterate our recommendation from our Preliminary Report that all adults in CPS schools be required to wear and display a photo ID. CPS recognizes that requiring ID badges for adults is about more than just building security; it is also about creating a district-wide culture that sends the message that the CPS community cares about student safety and that all eyes are watching to report unrecognized adults and inappropriate conduct. As a result, CPS followed our recommendation to place these ID rules in the CPS template employee handbook. We renew our recommendation that CPS include the ID rules in student-facing materials as well, so that both adults and students will know the rules and react if they observe any adult not wearing an ID.

In the meantime, CPS reiterated its visitor management best practices at the 2019 Law Conference. CPS recommends the following process for all visitors:

- ▶ If possible, ask the visitor, "Can I help you" to try to determine the purpose of the visit. In addition, before entry, the employee should visually inspect the visitor by monitoring intercoms, cameras, and security officers (whichever applies to your school).
- ▶ Instruct visitors to enter only through the school main entrance.
- ▶ Instruct visitors to sign in at the security desk or the front office and get a visitors badge.
- ▶ Escort the visitor, if possible. If this is not possible, the front security desk and main office should be in communication so that they can be aware of the visitor's location on campus at all times.
- ▶ Validate the purpose of their visit.

CPS recognizes that these procedures will not apply uniformly to every school and asks that schools identify best practices based on the logistics of their campuses. Until CPS implements a comprehensive visitor management system, we recommend that CPS monitor visitor management practices throughout the district.

D. Risk Management

Recognizing that background checks, reference checks, and building security will not prevent all risk of sexual misconduct, CPS established a Risk Management Committee (Risk Committee). Launched in March 2019, The Risk Committee is

spearheaded by representatives from the following CPS departments: Internal Audit, OSP, Social-Emotional Learning, Safety and Security, Talent, Risk Management, Law, and IT. In general, the Risk Committee is responsible for assisting district leadership in its oversight of school climate and student protection to ensure the safe and supportive school environment that is critical to successful learning. Specifically, the Risk Committee is responsible for, among other things, the following:

- ▶ Examining aggregate, school, student, and employee data on incidents and litigation claims to identify concerning trends and anomalies;
- ▶ When necessary, directing further inquiry on causes of concerning trends and anomalies;
- ▶ When appropriate, recommending remedial steps or changes to policies and practices;
- ▶ Improving reporting of trends or high risk situations to appropriate parties for preventative actions; and
- ▶ Improving quality of incident data through training on incident reporting as well as further technological solutions.

To accomplish these objectives, the Risk Committee has worked with the Internal Audit Department to create an incident data dashboard, which will ultimately aggregate data on reported incidents from multiple sources for comprehensive data analysis. As of this report, the dashboard aggregated all Verify and Aspen incident reports starting from July 2016. The dashboard can filter the incident data by many different variables including network, school, participant, and event type.

The first project undertaken by the Risk Committee is an employee misconduct review aimed at identifying current employees who pose a risk to student safety. For this review, the Risk Committee examined employees with three or more incidents of physical or sexual abuse between July 1, 2016, and April 12, 2019. The Risk Committee identified these employee incidents using the dashboard filters and keyword searches. The Risk Committee excluded from its review all employees currently under investigation by CPS or no longer employed by CPS. For the remaining employees with three or more incidents, the Risk Committee analyzed the incident narratives and the employee's personnel history, including any prior investigations. The Risk Committee also solicited feedback from the principal at the employee's current school. Based on this information, the Risk Committee initiated follow-up actions where appropriate, including terminations, additional training, and continuous monitoring.

The Risk Committee's employee misconduct review is ongoing and will continue to update the data and flag incidents. We endorse this effort and recommend that

the Risk Committee work with necessary departments to ensure the accuracy and completeness of its data, especially as the Risk Committee initiates new projects to identify other potential risks. Where the Risk Committee observes deficiencies in the data based on reporting practices, it should also work with relevant departments as well as schools to improve reporting practices and data gathering.

E. Ensuring Student Safety Beyond CPS

CPS also faces the related issue of ensuring that an employee who resigns or CPS dismisses amidst sexual-misconduct allegations is not rehired into another district within Cook County, Illinois, or elsewhere. Naturally, CPS has the most authority to prevent adults from accessing its schools, and CPS' authority is increasingly limited for charter schools, schools in other Illinois districts, and out-of-state schools.

For Illinois schools, CPS must work with the Illinois State Board of Education (ISBE). ISBE is responsible for licensing teachers, substitute teachers, and paraprofessionals in Illinois. Since July 1, 2009, the Illinois School Code has required that school districts provide written notice to ISBE when there is reasonable cause to believe that a licensed employee has committed an intentional act of abuse or neglect of a child and the action caused the employee to resign or be dismissed.⁵⁶ The Illinois School Code does not cover non-licensed employees.

In our Preliminary Report, we observed that CPS had historically struggled to timely comply with this law. The CPS Law Department informed us that it sent a batch of notification letters to ISBE in 2015, when CPS discovered it had failed to notify ISBE of licensed probationary employees and substitute teachers who were covered by the law. Additionally, in 2017, CPS sent a second batch of notification letters to ISBE after realizing that the Board had not sent timely notices because of a change in personnel at the Board. Based on our interviews of CPS and ISBE personnel, to our knowledge, CPS has consistently complied with the ISBE notification requirement since our Preliminary Report and has implemented procedures to audit its compliance on a quarterly basis.

Complying with the ISBE notification requirement, however, will not necessarily prevent bad actors from transferring to other districts.⁵⁷ With CPS' support, the law changed in Illinois on August 23, 2019, to require ISBE to suspend licenses (or deny applications for licenses) for individuals charged with certain statutorily defined offenses.⁵⁸ This is a significant improvement over the law that existed at the time we issued our Preliminary Report, which permitted such action only upon

⁵⁶ See 105 ILCS 5/34-18.5(e-5).

⁵⁷ See Zak Koeske, *Matteson middle school principal resigns after past sexual misconduct allegations at CPS surface*, CHICAGO TRIBUNE (September 11, 2019), available at <https://www.chicagotribune.com/suburbs/daily-southtown/ct-sta-matteson-principal-allegations-st-0912-20190911-x4yus5sz5fht5o2pwo5i4diwsy-story.html> (last visited September 25, 2019).

⁵⁸ See 105 ILCS 5/21B-80(b), (c); Public Act 101-0531.

criminal conviction. Still, licensed employees who are suspected of abuse or neglect, but who are not criminally charged, may be able to obtain employment in other districts. We understand that, aside from suspending or revoking licenses, ISBE does not have a mechanism to notify districts of pending investigations or disciplinary action against license-holders. Additionally, we are informed that, while ISBE does communicate with other states in a limited set of circumstances, ISBE does not communicate with other states regarding suspensions and revocations.

Because the ISBE notification requirement does not adequately prevent district hopping, CPS must do more to ensure that employees who leave CPS due to sexual misconduct allegations do not endanger students elsewhere. CPS has an obligation to ensure that the references it provides on behalf of its former employees are accurate and complete. Illinois law provides immunity to former employers when they provide written disclosures of information regarding an employee or former employee's job performance or work-related characteristics that the employer in good faith believes is truthful.⁵⁹ In accordance with that law, CPS has trained its employees to provide truthful, relevant, and factual responses to reference checks.

While that is a good first step, the accuracy of the information conveyed is necessarily limited by the knowledge of the person who provides the reference check. Given CPS' size and decentralized nature, a former employee could list any number of CPS employees as a reference, and each of those individuals may or may not be aware of the reasons for the former employee's termination. For example, if a substitute teacher who worked in several schools was terminated for a sexual incident at one school, that teacher could list a principal from a different school as a reference. If a prospective employer contacted that principal for a reference check, the principal might give a good reference because he or she was not aware of the incident at another school.

CPS should implement a mechanism to require that all reference checks provided in support of former or outgoing employees be cleared by the Talent Office to ensure that the subject of the check is not on CPS' Do Not Hire list. We understand that some reference checks may be initiated by phone, that prospective employers often want an immediate response, and that confidentiality concerns preclude CPS from broadly disseminating its Do Not Hire list. However, we believe that a web portal, for example, into which any employee being asked to provide a reference check could type the candidate's name, would not be unduly cumbersome and would help ensure that a CPS employee does not inadvertently provide a good reference for an undeserving candidate. Once such a mechanism is established,

⁵⁹ See 745 ILCS 46/1 *et seq.* A slight majority of states have similar statutes immunizing employers from liability for disclosures during reference checks.

CPS should re-train its employees on the importance of providing accurate, truthful, and complete references and on how best to do so.

We further recommend that CPS enact a referral policy for principals or other administrators who are contacted by a prospective employer regarding a candidate known to have been accused of serious misconduct or on the Do Not Hire list. Specifically, these CPS employees should refer the prospective employer to the Law Department without providing any reference so that CPS can make appropriate disclosures while ensuring that it complies with the law and minimizes CPS' legal risk.

In short, if CPS fires an employee or accepts a resignation amidst allegations of sexual misconduct, those actions may protect CPS students from further sexual misconduct, but more needs to be done to ensure that problem employees are not rehired elsewhere. To be clear, we are not recommending that an employee be blacklisted anytime an allegation of sexual misconduct occurs. Instead, we recommend that CPS make appropriate disclosures so that a prospective employer is fully aware of previous allegations and any findings.

F. Follow-Up Prevention Recommendations

This year, CPS has taken important steps toward establishing a framework to prevent sexual misconduct in its schools. After the enormous task of refreshing background checks last year, CPS has instituted most of our recommendations from our Preliminary Report for ongoing background checks, reference checks, and building security. CPS has also taken steps regarding risk management and ensuring student safety beyond CPS. We recommend that CPS monitor compliance with its Volunteer Policy, monitor district-wide visitor management practices until a comprehensive visitor management system can be implemented, and continue to improve and centralize its reference check process.

CPS' next task is to assess whether these, and the many other improvements reflected in this report, are permeating throughout the district. This is not a one-time project. CPS must determine whether schools are following CPS policies and whether those policies are working to prevent sexual misconduct.

The Protecting Chicago's Children (PCC) Task Force, for example, is well positioned to begin assessing district-wide culture surrounding sexual misconduct. We therefore recommend that the PCC Task Force continue permanently. We understand that quantifying culture change is a difficult task. As an initial effort, we recommend that the PCC Task Force consider administering annual surveys to staff and students. We also recommend that the PCC Task Force collaborate with the Risk Management Committee and OSP to benefit from their data analysis capabilities.

The PCC Task Force should also continue monitoring and tracking all of the district's efforts to prevent sexual misconduct. The PCC Task Force has successfully encouraged cooperation and communication among CPS' various departments, which tend to be siloed and independent. This cooperation and communication is integral for implementing our recommendations and encouraging a district-wide culture that prioritizes student safety. To continue this cooperation and maintain CPS' focus on student safety, the PCC Task Force should continue to meet regularly and report to CPS leadership. The PCC Task Force must ensure that protecting students and preventing sexual misconduct remains a permanent CPS priority.

Policies & Procedures

II. Policies and Procedures

KEY IMPROVEMENTS

- Created the “Policy Working Group” to review, monitor, and update CPS’ policies and procedures for accuracy and efficacy.
- Took steps to comply with Erin’s Law by creating and better implementing clear policies and procedures, including rules and standards for appropriate boundaries between adults and students.
- Ensured that policies and procedures regarding sexual misconduct against students are available to everyone, including students, parents, and guardians.
- Updated uniform employee handbooks and student handbooks, which contain all relevant policies and procedures regarding sexual misconduct involving students and appropriate boundaries.
- Converted policies and procedures into condensed, easy-to-read student materials that highlight the most important takeaways and are consistent, engaging, and age-appropriate.

FOLLOW-UP RECOMMENDATIONS

- Maintain current policies and procedures in one, easily searchable source.
- Continue updating policies and procedures on an ongoing basis.
- Monitor compliance with all policies and procedures regarding sexual misconduct and appropriate boundaries.
- Update the Travel Policy to require CPS-affiliated adults to obtain a signed consent form every time they transport a student in a private vehicle and to file an incident report when they fail to do so.

Erin’s Law requires CPS to “adopt and implement” policies addressing sexual abuse.⁶⁰ As we observed in our Preliminary Report, CPS had partially complied with Erin’s law by having “policies addressing sexual abuse” but had not effectively

⁶⁰ 105 ILCS 5/10-23.13. Erin’s Law is named after Erin Merryn, an activist, author, and survivor of child sexual abuse. Erin’s Law is intended to “shatter the silence and stigma around sexual abuse and educate children and empower them with their voice.” *Erin’s Law – What is it? Training, Curriculum...*, ERIN’S LAW ILLINOIS, <https://www.erinslawillinois.org/about/> (last visited September 20, 2019).

implemented those policies. Since our Preliminary Report, CPS has updated existing policies, created new policies, and taken important steps to better implement its policies.

This section provides an overview of the CPS policies and procedures regarding sexual misconduct, our evaluation of the scope and availability of these policies and procedures, the distribution of these policies and procedures, and CPS' efforts to implement several of these policies and procedures. We conclude with a summary of our follow-up policy and procedure recommendations.

A. Overview of CPS Policies and Procedures Regarding Sexual Misconduct

As we observed in our Preliminary Report, CPS has had comprehensive policies and procedures in place for a long time. At the time of our Preliminary Report, the following non-exhaustive list of policies were in effect:

- ▶ 410.5: Policy for School-Based Health Centers (adopted September 23, 1998);
- ▶ 504.10: Student Teacher and Pre-Service Teacher Enrollment (adopted April 26, 2006);
- ▶ 511.1: Reporting of Child Abuse and Child Neglect (adopted July 23, 2008; recently amended June 27, 2018);
- ▶ 604.3: Student Travel (adopted May 26, 2010);
- ▶ 704.4: Domestic Violence, Dating Violence and Court Orders of Protection, Restraint or No Contact (adopted June 25, 2008);
- ▶ 704.5: Student Social and Emotional Health Policy (adopted September 22, 2004);
- ▶ 704.6: Sexual Health Education (adopted February 27, 2013); and
- ▶ 705.6: Procedures for Interviewing Students in Chicago Public Schools (adopted July 23, 2008).

Since our Preliminary Report, CPS has modified existing policies and implemented new policies, including the following:

- ▶ 801.2: Volunteer Policy (adopted August 22, 2018);
- ▶ 705.5: Student Code of Conduct for Chicago Public Schools (adopted June 28, 2019);
- ▶ 604.1: Staff Acceptable Use Policy (adopted August 28, 2019);

- ▶ 604.2: Student Acceptable Use Policy (adopted August 28, 2019); and
- ▶ 102.8A: Comprehensive Non-Discrimination, Harassment, and Retaliation Policy (adopted May 22, 2019, and effective September 3, 2019)

To continue and further these efforts, CPS created the “Policy Working Group,” which conducted a comprehensive review of all Board-approved policies, including those regarding sexual misconduct. The Policy Working Group assigned every CPS policy to a CPS department to serve as the “content owner” and, if applicable, to several “supplemental departments.” For example, the Policy Working Group may assign a policy regarding sexual misconduct to OSP and assign the Talent and Safety and Security departments as supplemental departments.

The content owner is responsible for reviewing the policy every year to determine whether the CPS should amend, rescind, or keep the policy. During that review, the content owner consults with the supplemental departments for feedback and ultimately provides recommendations to the Policy Working Group. The Policy Working Group then reviews the recommendations and determines whether to pursue Board approval for any changes.

We endorse the Policy Working Group’s efforts but caution CPS to avoid examining each policy in a vacuum. All policies must have consistent requirements and goals and have language that is clear for all relevant age groups and members of the CPS community. For example, CPS procedures for reporting sexual misconduct are currently contained in various policies, including the Reporting of Child Abuse and Neglect Policy and the Comprehensive Non-Discrimination, Harassment, and Retaliation Policy. Even if CPS does not consolidate such policies, CPS should ensure that they are internally consistent, cross-referenced where appropriate, and communicated holistically to staff and students. As a result, the Policy Working Group must have sufficient staff, time, and familiarity with the universe of CPS policies and procedures to ensure that policies and procedures are consistent and effective.

Further, while well-drafted policies and procedures can influence positive change, school culture largely determines whether policies and procedures are implemented and enforced. For this reason, we reiterate our recommendation that CPS monitor compliance with its policies, procedures, and guidelines across schools and grade levels to address weaknesses and new or unique challenges.

B. Scope and Availability of CPS Policies and Procedures Regarding Sexual Misconduct

CPS’ policies and procedures are available via several sources. The Board approves various policies, which are publicly available on a searchable website, called the

“Policy Handbook.”⁶¹ CPS has additional policies and procedures, however, which do not require Board approval and are not available in the Policy Handbook. Instead, CPS provides these policies and procedures in various memoranda, guidelines, letters, and manuals, which often clarify Board policies and appropriate conduct. Unfortunately, these memoranda, guidelines, letters, and manuals are not available in one searchable, publicly available website. Instead, non-Board-approved CPS policies and procedures are spread throughout different platforms and sometimes contain inconsistent information.⁶²

For example, in 2017, CPS issued “Guidelines Regarding Maintaining Professional Staff/Student Boundaries” (Boundaries Guidelines), which are not available in the Policy Handbook. As we highlighted in our Preliminary Report, the Boundaries Guidelines are a significant resource for the entire CPS community, including students, parents, and guardians. Fortunately, the Boundaries Guidelines have been available on CPS’ website since our Preliminary Report,⁶³ and CPS has added links to the Boundaries Guidelines on the Office of Student Protections and Title IX webpage⁶⁴ and the Sexual Abuse Prevention and Response Training webpage.⁶⁵

Nonetheless, all of CPS’ policies and procedures regarding sexual misconduct are still not available in a single location. We therefore renew the recommendation from our Preliminary Report that CPS consolidate all current policies and procedures (including memoranda, letters, and manuals) in one, easily searchable source. Because non-Board-approved policies and procedures are still spread across various platforms, parents, students, and even employees can have difficulty finding the relevant guidance when issues arise. For this reason, we recommend that CPS consolidate its policies and procedures. We recognize that some CPS internal guidance is not intended to be public-facing, and for these types of documents, CPS can include references and links to the appropriate source (the Knowledge Center, for example) on the comprehensive policy website. We also recommend that CPS improve the search function on the Policy Handbook such that it searches the entire text of the policies contained on the website. A more robust search function will allow users to more easily search for particular policies

⁶¹ CPS, *Policy Handbook*, available at <https://policy.cps.edu/> (last visited September 20, 2019). Policies may be downloaded as pdfs. We note, however, that these policies can only be searched by title (rather than keywords), which are not always intuitive.

⁶² For example, non-Board-approved policies, procedures, and guidelines are maintained on various CPS’ department websites, CPS’ human resources website (“HR4U”), CPS’ online “Knowledge Center,” and on individual school websites.

⁶³ See Preliminary Report at 54, n.84.

⁶⁴ *Office of Student Protections and Title IX*, CPS, available at <https://cps.edu/Pages/officeofstudentprotections.aspx> (last visited September 20, 2019).

⁶⁵ *Sexual Abuse Prevention and Response Training*, CPS, available at <https://cps.edu/Pages/illinoismandatedreporter.aspx> (last visited September 20, 2019).

and to search for all policies regarding a particular topic, such as sexual misconduct.

C. Distribution of CPS Policies and Procedures Regarding Sexual Misconduct

Since our Preliminary Report, CPS has taken several steps to distribute its policies and procedures regarding sexual misconduct to all members of the CPS Community.

1. Distribution to CPS Employees

After our Preliminary Report, CPS recognized that its policies and procedures had not been uniformly understood, remembered, or implemented by principals across the district. In response, the Policy Working Group began developing “Integrity Memos,” which provide summaries and guidance on select policies. CPS then began periodically distributing the Integrity Memos to CPS principals and posting them on the CPS Knowledge Center for all CPS employees.

CPS leadership determines which policies to include in Integrity Memos based on identified issues, audits, and feedback from network chiefs and other administrators. The “content owner” of the relevant policy creates the first draft of the Integrity Memo, which is then reviewed by the Policy Working Group. Last year, CPS sent 14 Integrity Memos, which included Integrity Memos on policies and procedures regarding sexual misconduct:

- ▶ Integrity Memo #1: Sexual Assault/Mandatory Reporting (August 9, 2018);
- ▶ Integrity Memo #8: Sexual Health Education (November 9, 2018);
- ▶ Integrity Memo #13: Student Travel (February 8, 2019); and
- ▶ Integrity Memo #14: Transporting Students in Private Vehicles (February 21, 2019).⁶⁶

For example, just before the start of the 2019/2020 school year, CPS sent an Integrity Memo highlighting CPS’ mandatory procedures for reporting sexual misconduct.⁶⁷ That four-page memo provided an overview of Title IX, OSP, and OIG. The memo also linked to relevant CPS policies and procedures, including the Compre-

⁶⁶ These integrity memos are available for employees on CPS’s Knowledge Center. See *Board Approved Policies*, CPS KNOWLEDGE CENTER, <https://sites.google.com/a/cps.edu/kc/resource-allocation/policies/board-approved-policies> (last visited September 23, 2019).

⁶⁷ See Tony Howard, *Integrity Memo #15 (Re: Mandatory Procedures for Reporting Sexual Misconduct)* (August 15, 2019), available for employees at <https://sites.google.com/a/cps.edu/kc/resource-allocation/policies/board-approved-policies> (last visited September 23, 2019).

hensive Non-Discrimination, Harassment, and Retaliation Policy; the OSP Procedure Manual; the Reporting of Child Abuse, Neglect Policy; Inappropriate Relations Between Adults and Students Policy; the Boundaries Guidelines; the Acceptable Use Policies; and the Student Code of Conduct. The memo also outlined the following mandatory reporting procedures for all staff, vendors, contractors, and consultants:

- ▶ For all concerning behavior, first:
 - Call 911 if the student's safety and well-being is at risk.
 - Notify DCFS if you suspect child abuse or neglect at 1-800-25-ABUSE (1-800-252-2873), then notify your school principal.
- ▶ Follow these steps depending on the accused party:
 - If the allegation involves a student impacted by sexual misconduct by a CPS-affiliated adult(s): Notify OIG at 1-833-TELL-CPS (1-833-835-5277).
 - If the allegation involves a student impacted by sexual misconduct by another student or a non-CPS-affiliated individual: Notify OSP at 1-773-535-4400.
- ▶ Always file an incident report.

The memo reminded principals about the mandatory Title IX representative training and the mandatory training for all employees working in their school. The memo concluded with five true or false questions and answers to test readers' knowledge of the mandatory reporting procedures.

CPS plans to continue sending Integrity Memos this year, and we endorse this practice to the extent it increases awareness and understanding of CPS policies and procedures. We encourage CPS to evaluate the appropriate length and frequency of the memos, acknowledging that many principals are unlikely to read lengthy memos sent too frequently. To assist with this effort, CPS should consider methods of measuring the efficacy of its Integrity Memos. CPS should also consider disseminating the memos to other CPS staff. As CPS begins assessing compliance with its policies, we also encourage CPS to use this compliance data to inform the content of future Integrity Memos.

CPS has also distilled policies and procedures into district-wide employee handbooks. In August 2018, CPS sent a template employee handbook to principals, which included, for example, mandatory reporting procedures and the Boundaries Guidelines. CPS sent an updated template employee handbook for the 2019/2020

school year, which also included the new Comprehensive Non-Discrimination, Harassment, and Retaliation Policy and guidance on the role of OSP. Principals were not required to use the template in 2018 but were required to do so this year.

2. Distribution to CPS Students, Parents, and Guardians

CPS has taken steps to distribute policies and procedures to students, parents, and guardians. CPS distributed various marketing materials to students addressing the new Student Bill of Rights, the new Comprehensive Non-Discrimination and Harassment Policy, CPS reporting procedures, and appropriate boundaries between students and CPS-affiliated adults. CPS also updated its Student Code of Conduct, which includes relevant policy references for students, parents, and guardians. The Student Code of Conduct now includes guidance on OSP, as well as specific infraction codes that require CPS to notify OSP.

CPS also went beyond the recommendations in our Preliminary Report and updated its Board approval process to include a 30-day opportunity for public comment before any additions or revisions to Board policies and procedures.⁶⁸ CPS took this measure to promote public transparency and understanding of its policies.⁶⁹

In conjunction with this public comment period, CPS should specifically solicit and consider feedback from school leaders who are required to enforce policies and procedures, because there may be aspects of a policy that work well in some schools but have unintended consequences in others. CPS must keep in mind that policies may have unintended consequences and listen to feedback from principals regarding recurring and new challenges (such as technology and changing norms). CPS should be flexible when necessary—even if that means making some school-specific modifications to certain policies.

D. Evaluation of Important CPS Policies and Procedures Regarding Sexual Misconduct

Some of the most egregious instances of sexual misconduct arise from inappropriate interactions and relationships between CPS-affiliated adults and CPS students. For this reason, we highlight CPS' three primary policies and procedures regarding such interactions: the Boundaries Guidelines, the Acceptable Use Policy, and the

⁶⁸ See CPS Office of Communications, *Chicago Board of Education Announces New Meeting Structure to Promote Transparency and Public Engagement* (June 26, 2019), available at https://cps.edu/News/Press_releases/Pages/PR1_06_26_2019.aspx.

⁶⁹ CPS must post the proposed change for 30 days with an invitation to the general public to provide comments. The public comments must then be published on the district website, and all public comments must be provided to the Board at least ten days before consideration of the relevant policy.

Travel Policy. Finally, to highlight CPS' progress in effectively implementing its policies, we examine the implementation of CPS' new comprehensive Non-Discrimination, Harassment, and Retaliation Policy.

1. The Boundaries Guidelines

The "Guidelines Regarding Maintaining Professional Staff/Student Boundaries" (Boundaries Guidelines) is the most comprehensive CPS guidance relating to appropriate interactions between CPS students and adults. The Boundaries Guidelines apply to all CPS-affiliated adults and are intended to (1) protect students from sexual misconduct and abuse and (2) protect staff members from misunderstandings and false accusations.

The Boundaries Guidelines contain a non-exhaustive list of unacceptable behavior, including the following:

- ▶ Targeting particular students for personal attention or friendship,
- ▶ Asking students to keep secrets,
- ▶ Coercing students to confide their personal or family problems,
- ▶ Engaging in sexual banter with students,
- ▶ Flirting with students,
- ▶ Giving gifts to students,
- ▶ Discussing or planning future sexual or romantic relationships with students,
- ▶ Addressing students by personalized terms of endearment, and
- ▶ Engaging in any kind of inappropriate physical contact.

The Guidelines also contain a list of activities that could create the appearance of impropriety and can only occur after approval from an administrator:

- ▶ Being alone with a student out of the view of others,
- ▶ Inviting or allowing a student to visit a staff member's home, and
- ▶ Visiting a student's home or meeting a student outside of school for a non-educational purpose.

In our Preliminary Report, we highlighted the Guidelines as an example of the general issue that we found in our preliminary evaluation: reasonable policies with ineffective implementation. Since our Preliminary Report, CPS has taken important

steps to better educate CPS employees on the Boundaries Guidelines by referencing and explaining them in various trainings and materials and by encouraging reporting of Boundaries Guidelines violations. We discuss these developments further in the Training and Reporting sections below.⁷⁰ We recommend that CPS continue to clarify the Boundaries Guidelines by addressing positive student-employee relationships, differences between age groups, and special circumstances.

2. Acceptable Use Policies

In August 2018, CPS revised its Acceptable Use Policies for both staff and students.⁷¹ The policies outline acceptable and unacceptable communications between students and staff via email, mobile devices, and social media accounts.

Staff Policy

In general, the Staff Acceptable Use Policy permits staff to communicate with students electronically using three methods:

- ▶ Email to a student’s CPS email account;
- ▶ Messaging through CPS Group Messaging Application (*e.g.*, CPS Google Hangouts) from an employee’s CPS account or sanctioned system to a student CPS account; and
- ▶ A bulk text notification that delivers group text messages and alerts to a student’s personal cellphone.

Staff may only utilize a bulk text notification system, however, if the Chief Information Officer or designee authorizes its use, the parent or guardian provides prior written permission, and the parent or guardian receives the same notifications—if they elect to do so.

Staff may, however, communicate with students in grades 9–12 using two additional methods under certain conditions:

- ▶ Via text or instant messaging when (1) the educational or extracurricular activity necessitates doing so for the purposes of ensuring student safety; (2) the parent or guardian and the principal provide prior written permission; and (3) the communications are messages that include the parent or guardian; and
- ▶ Via class or team social media or online accounts if (1) the principal provides annual written approval; (2) the principal or designated teacher manages the

⁷⁰ See Sections III (Training) and IV (Reporting), above.

⁷¹ Board Policies 604.1 and 604.2, respectively.

account; (3) the account is used for instructional, educational, or extracurricular programs; and (4) the principal notifies parents annually of their child's social media invitations and the purpose and nature of the account.

CPS generally prohibits all other mobile device communications from staff to students.

Student Policy

The Student Acceptable Use Policy is more restrictive than the staff policy. Students are permitted to email staff email accounts via their CPS email account but are prohibited from all mobile device communications with staff except pre-approved safety meet-up communications, receiving bulk text notifications, and communications for pre-approved programs such as the Re-Engagement of Out-of-School Youth, Chronic Truants or Students Exiting Juvenile Detention Facilities Program. CPS also prohibits students from communicating with staff via any social media account or other group messaging application.

Acceptable Use Guidance

In conjunction with revising the staff and student acceptable use policies, CPS also attempted to identify non-CPS-approved communications platforms that were in use in the district. In September 2018, a month after the Board passed the new policies, CPS surveyed its schools and determined that many schools were unilaterally engaging non-CPS-approved vendors for communications tools. We observed a similar trend in our interviews with principals. CPS also learned that many schools did not have all requisite parent consent forms for students participating in social media or messaging platforms.

Using the survey results, CPS analyzed the list of non-CPS-approved tools and established a two-step process for each vendor to become an "approved" application. First, the vendor must complete a robust information security questionnaire. Second, if the platform passed that security assessment, the vendor must complete a data sharing agreement through the CPS Law Department. Thus far, CPS has approved Remind,⁷² SchoolCnxt,⁷³ and UpMetrics.⁷⁴ Other platforms are still undergoing the two-step process.⁷⁵

To provide guidance about the policies and acceptable communications, CPS created an Acceptable Use Guidelines website, which outlines the platforms that CPS

⁷² See REMIND, <https://www.remind.com/> (last visited September 20, 2019).

⁷³ See *About the App*, SCHOOL CNXT, <https://schoolcnxt.com/schoolcnxt-app/> (last visited September 20, 2019).

⁷⁴ See <https://www.upmetrics.com/home> (last visited September 20, 2019).

⁷⁵ These platforms include WhatsApp, ParentSquare, ClassDojo, Seesaw, Schoology, and PopScholar.

formally sanctions for use and the applications pending information security review.⁷⁶ The revised Staff Acceptable Use policy contains a link to the new guidance website.

The revised acceptable use policies contemplate that CPS will continue identifying and approving appropriate communication platforms. We endorse this approach and encourage CPS to continue reviewing vendor-supported applications to provide schools with concrete guidance on communication tools currently in use. Further, in light of survey results indicating that many schools are not obtaining the requisite parental consent, CPS must enforce the requirement that schools obtain parental consent for each student receiving social media and messaging platform communications. As CPS approves more vendor-supported communications, it must ensure that schools inform parents and guardians of the approved applications. Therefore, we encourage CPS to monitor and enforce its annual parental consent requirements and require schools to inform parents of each communication platform that the school uses.

We understand that CPS is considering moving to one universal standard for school communications with students and their parents or guardians and that CPS intends to use the September 2018 survey results to evaluate the possibility of procuring a new district-wide communication tool. The survey results indicate that CPS' current standard, Blackboard Connect, does not have the desired functionality for many schools, so we encourage CPS to solicit further information from both teachers and administrators to better understand their desired functionality. We also encourage CPS to consider the needs of groups that engage in frequent student/parent communications, such as athletics and extracurricular activities.

3. Travel Policy

CPS' student travel policy was adopted in May 2010 and establishes the requirements for student travel and trips including trips outside the U.S., trips within the U.S. that have an overnight stay, one-day field trips, interscholastic competitions, and other similar events. The policy provides transportation requirements for all trips. For trips involving 10 or more students, schools are required to use a school bus or licensed carrier on the Department of Risk Management's Approved Field Trip Vendor List, Chicago Transit Authority or Regional Transportation Authority vehicles, or other common carriers (*e.g.*, Greyhound or Amtrak). For trips involving fewer than 10 students, when use of a private vehicle is the only feasible method of travel, schools may use private vehicles under the following conditions:

⁷⁶ *Acceptable Use Policy*, CPS, <https://cps.edu/AcceptableUsePolicy/Pages/student.aspx> (last visited September 20, 2019).

- ▶ The private vehicle must be designed to carry less than 11 passengers (including the driver) and have functioning seatbelts for each person;
- ▶ The private vehicle cannot have more passengers (including the driver) than the vehicle was designed to carry;
- ▶ Any person who requests to transport students in a private vehicle must receive prior written approval from the principal and the parents or legal guardians of the transported students;
- ▶ The principal shall ensure that the driver holds a valid driver's license and specified liability insurance; and
- ▶ The principal must retain a photocopy of the driver's license and insurance documentation.

Although the policy strongly discourages the use of private vehicles, we found that some employees obtain "blanket" permission forms allowing them to transport students in their private vehicles at any time or for any reason over the course of a school year or athletic season, for example. This means that principals and parents or guardians are not aware of and have not consented to each instance in which a CPS-affiliated adult transports a student in a private vehicle. It also means that it is unlikely that these adults always evaluate whether use of a private vehicle is the only feasible method of travel. CPS does not condone the practice of obtaining blanket permission forms, and we recommend that CPS revise the student travel policy to prohibit this practice. CPS should require a signed consent form for every instance in which a CPS-affiliated adult transports a student in a private vehicle, specifying the event, date, and anticipated time of travel.

We recognize that rare unanticipated situations may arise where the use of a private vehicle is the only feasible method of travel or is necessary to ensure student safety. In such circumstances, we recommend that CPS require the transporter to document the circumstances that warranted the use of a private vehicle in an incident report so that there is a record of the circumstances and so CPS can track the frequency of such incidents. If done correctly, this documentation will allow CPS to monitor the unapproved uses of personal vehicle transportation across the district for unusual trends and possible transportation solutions.

4. Comprehensive Non-Discrimination, Harassment, and Retaliation Policy

Since our Preliminary Report, CPS has made efforts to better implement its policies through trainings, handbooks, school displays, and other instructional materials.

To highlight this progress, we examine the implementation of CPS' new Comprehensive Non-Discrimination, Harassment, and Retaliation Policy (Comprehensive Policy).

The Non-Discrimination, Harassment, and Retaliation Policy

On May 22, 2019, the Board adopted a new Comprehensive Non-Discrimination, Harassment, and Retaliation Policy (CPS Policy Manual Section 102.8A). The new policy went into effect on September 3, 2019, and reflects changes CPS made before and throughout the 2018/2019 school year.

The new Comprehensive Policy expands the lists of covered individuals and protected categories. It defines "discrimination," "harassment," "retaliation," and "sexual misconduct." It also reflects the new division of responsibilities for addressing sexual misconduct against students in the wake of the creation of OSP and the referral of adult-to-student investigations to OIG.

While the previous policy provided procedures based on who was making a complaint, the Comprehensive Policy focuses on the parties involved in the alleged conduct. The new policy, for example, directs users to the OSP Procedure Manual for complaints or inquiries regarding student-to-student sexual misconduct, harassment, or retaliation based on actual or perceived gender or sex. The Comprehensive Policy links to OSP's homepage, where the OSP Procedure Manual is posted. For complaints or inquiries regarding adult-to-student sexual misconduct, harassment, or retaliation based on actual or perceived gender or sex, the policy directs users to the OIG Hotline, 833-TELL-CPS. For complaints or inquiries regarding adult-to-adult or student-to-adult discrimination, harassment, or retaliation, the Comprehensive Policy directs users to the Equal Opportunity Compliance Office (EOCO) Procedure Manual.

One of the most important differences between the new and rescinded policies is the section on training. While the prior policy required training "on an as needed basis," the new policy requires annual training on the policy.

We note, however, that there is still room for improvement in the Comprehensive Policy. For example, "Section V.A.3" alludes to "duties and responsibilities" described in "Section IV," but Section IV identifies the office or resources that should be consulted without mentioning duties or responsibilities. In addition, the Comprehensive Policy makes no reference to CPS Policy Manual Section 511.1, "Reporting of Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students," even though that policy defines "grooming," a term used in the Comprehensive Policy. Because people will often consult the two policies in tandem, CPS should explicitly link them by reference.

Implementing the Policy

In contrast to the problems we identified in our Preliminary Report regarding the implementation of the Boundaries Guidelines, robust efforts are underway to educate staff and students about the procedural and other changes reflected in the new Comprehensive Policy and the new OSP Procedure Manual.

For example, at the 2019 Legal Conference, CPS trained principals and assistant principals on the new Comprehensive Policy, including differences from the existing policies. One of the mandatory sessions at the Legal Conference was specifically dedicated to training on how to work with OSP and addressing sexual misconduct at CPS. Two other sessions—one focused on EOCO, and the other on Incident, Concerns, and Threat reporting—also engaged with the new policy and reporting procedures. The OSP training included an overview of mandatory reporting procedures, OSP’s organization and responsibilities, and information about when and how to contact OIG and DCF. The trainers demonstrated how to contact each school’s Title IX representative and provided handouts containing definitions of thirteen different types of sexual misconduct.

CPS has also created flyers, posters, and stickers to reinforce the new reporting procedures and to publicize resources for students and staff. Flyers and posters geared toward staff include clear, step-by-step guidance for reporting sexual misconduct. The posters and flyers geared toward students list contact information for OSP and OIG, as well as the phone number for the Chicago Rape Crisis Hotline (where students can obtain confidential support). In addition to explaining the services offered by OSP, OIG, and Chicago Rape Crisis Hotline, the information for students includes examples of sex discrimination and sexual misconduct.

Measuring the Efficacy of Implementation

To test the efficacy of CPS’ efforts to implement its new policies, we created an anonymous exit survey for participants at the 2019 Legal Conference. Of the 1,115 people who attended the conference, 398 submitted responses to our survey.⁷⁷

The survey sought to determine the respondents’ familiarity with the new policies and reporting procedures by testing their level of confidence in the following statements:

- ▶ I know what to do when I become aware of allegations of sexual misconduct involving CPS-affiliated adults and CPS students.

⁷⁷ We note the voluntary and informal nature of this survey. We did not administer or collect the surveys ourselves or monitor the responses to them, nor have we attempted to conduct statistical analysis on the results or to determine confidence intervals.

- ▶ I know what information I am required to include when reporting allegations of sexual misconduct.
- ▶ I understand the difference between an incident report and a student-misconduct report.
- ▶ I understand the different types of investigations that can occur after I report allegations of sexual misconduct.

On average, respondents expressed a high level of confidence after the training, as measured by an average of above 3.5 out of 4 (with 4 indicating “strongly agree”) for each of the four statements.

The surveys also asked respondents to identify the office responsible for investigating an allegation of sexual misconduct (1) by a CPS-affiliated adult against a CPS student (OIG), (2) by a CPS student against another CPS student (OSP), and (3) where a CPS-affiliated adult is the victim (EOCO). Respondents could also indicate they were “Not Sure.”

The results of the survey were as follows:

- ▶ Respondents correctly identified OIG 82.2% of the time.
- ▶ Respondents correctly identified OSP 95.2% of the time.
- ▶ Respondents correctly identified EOCO 77.9% of the time.

While these informal survey results do not prove that CPS’ implementation of its new policies and procedures has been effective, they do suggest a baseline familiarity with OSP—an office that was created just over one year ago—and a functional understanding of the difference between OSP and OIG and required reporting procedures.

E. Follow-Up Policies and Procedures Recommendations

We make several ongoing recommendations regarding CPS policies and procedures. First, we reiterate the recommendation from our Preliminary Report that CPS maintain current policies, procedures, and guidelines in one, easily searchable source. CPS’ policy website currently contains only Board-approved policies and can only be searched by policy title, which are not always intuitive.

Second, we recommend that CPS continue updating policies and procedures on an ongoing basis to ensure internal consistency, address weaknesses and new and unique challenges across schools and grade levels, and effectively protect its students. CPS must also use information gained through monitoring policy compliance to inform policy updates. For example, this year CPS revised its Acceptable

Use Policies in light of survey results indicating that schools were using unapproved vendor-supported communication tools. CPS should likewise revise its Travel Policy to address our observation that some schools obtain “blanket” permission forms to transport students in their private vehicles at any time and for any reason. The Acceptable Use and Student Travel policies provide just two examples of how CPS can monitor its policies and update them accordingly. We recommend that CPS undertake this effort for all policies relating to sexual misconduct.

Finally, we recommend that CPS monitor compliance with all policies, procedures, and guidelines specifically relating to sexual misconduct and appropriate relationships. We recognize that the implementation of policies often occurs at the school level. For this reason, CPS must shift its focus from establishing policies to monitoring compliance with policies and measuring their efficacy. There are many methods to accomplish this recommendation, most of which will require coordination between various CPS departments and between CPS central administration and the administration at individual schools. Moreover, the most effective monitoring methods will vary by policy. Such methods may include surveys, audits, data analysis, and trend-spotting. Monitoring policy compliance provides one avenue for CPS to begin measuring results and culture change. To know whether its policies and procedures are working to achieve the ultimate goal of eradicating sexual misconduct in CPS schools, CPS must first know whether schools are following its policies and procedures.

Training

III. Training

KEY IMPROVEMENTS

- Designated and trained Title IX school representatives at nearly all district and charter schools.
- Trained CPS employees on how to prevent, identify, report, and respond to sexual misconduct—and that they are responsible for doing so.
- Created age-appropriate curriculum regarding sexual misconduct and appropriate boundaries across all grade levels.
- Created accountability for trainings by requiring proof of attendance and comprehension.
- Partnered with experts, such as the Chicago Children’s Advocacy Center, to train CPS employees and members of the Title IX Office.

FOLLOW-UP RECOMMENDATIONS

- Train vendors and volunteers on how to prevent, identify, report, and respond to sexual misconduct.
- Restructure the Sexual Health Education curriculum requirements to prioritize curriculum on consent and comprehensive sexual violence prevention. When possible, partner with community organizations to provide instruction on these priority topics.
- Pursue strategic avenues to train parents and guardians on how to prevent, identify, report, and respond to sexual misconduct.
- Implement trainings to respond to school-specific concerns and trends.

As referenced in the previous section, to prevent sexual misconduct, CPS must implement its policies and procedures that prohibit sexual misconduct, identify the warning signs of sexual misconduct, and explain how members of the CPS community should report and respond to allegations of sexual misconduct.⁷⁸ Through

⁷⁸ See also, U.S. Department of Education Office for Civil Rights, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (January 19, 2001) at 15, available at www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf.

quality training, CPS can help all members of its community understand, appreciate, and follow its policies to prevent, identify, stop, and respond to sexual misconduct.

In our Preliminary Report, we observed that, despite thorough policies and procedures, CPS failed to achieve uniform adoption and application of its policies and procedures because it lacked proper training. In our preliminary evaluation, many principals said that they did not recall any type of training regarding sexual misconduct involving students besides the DCFS mandatory reporter training when they were hired. Other principals reported that they could not remember being trained on sexual misconduct at all and that if it ever came up, the topic was not emphasized enough to remember. As a result, most principals said that they only learned how to respond to sexual-misconduct allegations on the job as issues arose.

Since our Preliminary Report, CPS has vastly improved its training infrastructure. OSP is primarily responsible for developing and coordinating training regarding sexual misconduct. OSP has a Compliance and Training Unit, which is currently staffed by a director of compliance and training, two trainers, a data analyst, and a sports compliance coordinator. Since its inception, OSP has been primarily focused on developing and coordinating mandatory, district-wide trainings for employees and Title IX school representatives. As these mandatory trainings become more routine, OSP plans to develop more formal trainings to address other populations and school-specific issues and concerns.

In this section, we provide our evaluation of CPS' current trainings and summarize our follow-up training recommendations.

A. Current Trainings

CPS currently provides or requires the following relevant trainings, which are explained further below: (1) Illinois mandatory reporter training, (2) "Protecting Chicago's Children" training, (3) OSP staff training, (4) Title IX school representatives training, (5) student training, and (6) parent and guardian training.

1. Illinois Mandatory Reporter Trainings

In June 2018, CPS implemented a policy requiring that all employees annually complete the DCFS mandatory reporter online training. This training consists of a pre-training assessment (13 multiple-choice questions), 60–90 minutes of self-paced interactive training, a post-training assessment (13 multiple-choice questions), and a certificate of completion. Last year, CPS required each employee who completed the DCFS online training to provide the certificate of completion to their principal or supervisor.

2. Protecting Chicago's Children Training

As we mentioned in our Preliminary Report, the annual mandatory reporter training is a starting point, but it is not sufficient in quantity or quality. Accordingly, last summer, CPS partnered with the Chicago Children's Advocacy Center (CAC) to train all CPS employees on sexual abuse prevention and response before the start of the school year. CPS and CAC created a webinar, referred to as Protecting Chicago's Children 1.0 (PCC 1.0).⁷⁹ Principals were responsible for requiring their employees to view the webinar before the start of school. Some principals held live, two-hour sessions to facilitate viewing of the webinar by their staff. To prepare principals to facilitate these live sessions, CPS and CAC conducted 25 train-the-trainer sessions.⁸⁰ Other principals required their employees to view the webinar independently.

Over 46,000 CPS employees received training through PCC 1.0. Every employee who completed the training received a training completion form, which CPS required them to provide to their principal. Principals then relayed the completion information to the Talent Office. About 90% of all CPS employees completed PCC 1.0, with completion rates of 81.9% for central office employees and 93.6% for school-based staff.⁸¹

CPS also strongly encouraged volunteers and vendors to complete PCC 1.0 training, but at the time, the CPS training platform was unable to generate certificates of completion for non-CPS employees. Therefore, CPS has no metric for the number of vendors and volunteers trained last year.

This year, CPS has worked with CAC to create an updated version of the webinar training, referred to as PCC 2.0. This version of the webinar focuses more on the processes for reporting to OSP and OIG. PCC 2.0 also has a more narrative focus to better personalize the training. For example, PCC 2.0 contains instructive scenarios of adult-to-student and student-to-student sexual misconduct. The training discusses appropriate boundaries and grooming behavior but also underscores that educators can still show their students that they care. The training concludes by emphasizing the importance of school culture in preventing instances of sexual misconduct and highlighting resources for staff, students, and parents or guardians.

⁷⁹ PCC 1.0 is available online. See *Sexual Abuse Prevention and Response Training*, CPS, <https://cps.edu/Pages/illinoismandatedreporter.aspx> (last visited September 20, 2019).

⁸⁰ The train-the-trainer model is, as the name implies, intended to train people who are then responsible for sharing the materials with others.

⁸¹ These numbers may be under-inclusive for several reasons: 1) CPS manually tracked PCC 1.0 completion through a Google doc completion form and may not have recorded every training completion form, and 2) many employees took the training in group settings during the start of the year and may not have received a training completion form.

CPS is using a new platform, called SafeSchools, for this year’s webinar training, which includes both the mandatory reporter training and PCC 2.0. This platform provides an effective mechanism for CPS to store, disseminate, and track trainings, and we understand that, going forward, CPS intends to use it for all CPS-created webinar trainings. We also understand that, unlike CPS’ prior webinar platform, CPS can track whether non-CPS employees have completed the trainings. This feature provides an opportunity for CPS to disseminate and track trainings for vendors, volunteers, and other groups of CPS-affiliated adults. This year, all employees were required to complete PCC 2.0, but CPS did not require vendors and volunteers to complete it. As of this report, 82.3% of all CPS employees had completed PCC 2.0, with 90.4% school-based employees having completed the training.

3. OSP Staff Training

All OSP staff have received extensive specialized training. OSP engaged specialized attorneys to provide two trainings: “Title IX Investigation Bootcamp for K–12 Schools” and “Title IX Compliance: From A to Z.” OSP also partnered with external organizations, such as CAC, Resilience, Youth Outreach Services, and Between Friends, to expand staff expertise in responding to incidents of sexual violence.⁸² Additionally, various CPS departments also trained OSP staff on student discipline and privacy.

This summer, OSP staff received 40 hours of training regarding sexual assault and domestic violence. Additionally, OSP arranged for all investigators to receive level II forensic investigation training. This summer OSP also engaged Maxient Consulting and the Association of Title IX Administrators (known as “ATIXA”) to evaluate OSP’s implementation of Title IX in the K–12 environment.

4. Title IX School Representative Trainings

In November 2018, OSP reached out to all CPS principals and asked them to nominate a Title IX representative from their school. OSP communicated that Title IX school representatives would be responsible for the following:

- ▶ attending one to two training sessions annually;
- ▶ communicating information regarding Title IX, including sexual misconduct prevention, reporting, and response to all students;

⁸² See *Who We Are*, CAC, <https://www.chicagocac.org/who-we-are/> (last visited September 20, 2019); *About Us*, RESILIENCE, <https://www.ourresilience.org/about-us/> (last visited September 20, 2019); *About*, YOUTH OUTREACH SERVICES, <https://www.yos.org/about> (last visited September 20, 2019); *About Us*, BETWEEN FRIENDS, <https://www.betweenfriendschicago.org/about-us/> (last visited September 20, 2019).

- ▶ supporting students affected by sexual misconduct; and
- ▶ working with OSP and OIG to help their school respond to incidents of sexual misconduct.

OSP also communicated that Title IX school representatives should have the following qualities and experience: the ability to connect with and provide empathetic support for all students, experience applying the Student Code of Conduct in a consistent and non-discriminatory manner, access to Aspen, and an Illinois Professional Educator License or an Illinois Principal credential. Title IX school representatives must also be able to respond to incidents immediately and facilitate investigations during school hours, which disqualifies teachers.

In response to the communication by OSP, every CPS school designated a Title IX representative. Some representative designations had to be changed because they lacked the required qualifications or OSP determined some issue with the designation. Currently, many Title IX school representatives are principals or assistant principals. A number of schools designated counselors as their representatives. While OSP initially accepted these designations and trained these representatives, OSP has since determined that counselors should not be Title IX school representatives because the role would require them to perform both investigative and support functions for students involved in allegations of sexual misconduct.

Title IX school representatives were required to attend an in-person training conducted by OSP. The training covered the responsibilities of the representatives, reporting procedures, school-based investigations, and appropriately responding to students involved in incidents of sexual misconduct. They were also trained on how to train other people in the school to appropriately report and respond to incidents of sexual misconduct. As of this report, 97% of designated representatives had attended the required training, and only 12 district schools did not have a trained Title IX representative.

OSP required all Title IX school representatives to complete an anonymous survey after the training, and the results indicate that the training was generally effective and engaging. The average satisfaction score was 3.8 out of 4, and the average usefulness score was 3.9 out of 4. In response to the question, "To what extent did the training help you increase your knowledge in the following [listed] areas?" 99.4% of respondents answered "to a great extent" or "to a moderate extent" (84.2% and 15.2%, respectively).

OSP has also trained Title IX school representatives at charter schools. This summer, OSP held individualized training for some of the largest charter networks, such as Acero and Noble schools, and held open training days for the representatives from the remaining schools. According to CPS, every charter school will have a designated and trained Title IX school representative by October 2019.

5. Student Training

CPS has used several methods to train students on issues regarding sexual misconduct, including its Sexual Health Education curriculum, the recently created and distributed “Student Bill of Rights,” and student-facing marketing materials.

Sexual Health Education Curriculum

Consistent with the recommendation in our Preliminary Report, CPS has revised its Sexual Health Education curriculum to provide age-appropriate education for all grade levels addressing consent and sexual abuse.⁸³ All sexual health instructors are required to attend a day-long instructor training administered by the Office of Student Health and Wellness. 83% of schools have a minimum of two school staff members that completed this training within the last four years.

In our Preliminary Report, we noted that, in the 2017/2018 school year, 15% of schools met CPS’ Sexual Health Education minutes requirements (300 minutes for kindergarten through fourth grade and 675 minutes for fifth through twelfth grade). Last year, 48% of elementary schools and 22% of high schools met these requirements. While these percentages are an improvement, CPS is still well below 100% compliance with its minutes requirements.

We recommend that CPS restructure its Sexual Health Education curriculum requirements to prioritize instruction on consent and sexual violence prevention. CPS has developed a sophisticated curriculum on these topics, but this curriculum is meaningless if it never reaches CPS students. Given the low compliance rates with CPS’ sexual education minutes requirements, we encourage CPS to reevaluate the required number of minutes. We also emphasize that minutes are a poor metric for the content and quality of student instruction. Regardless of the total number of instructional minutes delivered at each school, CPS must ensure that every student receives quality instruction on consent and comprehensive sexual violence prevention.

⁸³ We note that recently enacted Public Act 101-0579, which goes into effect January 1, 2020, requires that sex education courses for grades 6 through 12 include an age-appropriate discussion of the meaning of consent, including discussion of the following principles: (i) consent is a freely given agreement to sexual activity, (ii) consent to one particular sexual activity does not constitute consent to other types of sexual activities, (iii) a person’s lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent, (iv) a person’s manner of dress does not constitute consent, (v) a person’s consent to past sexual activity does not constitute consent to future sexual activity, (vi) a person’s consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person, (vii) a person can withdraw consent at any time, and (viii) a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to certain circumstances.

To accomplish that goal, we recommend that CPS create “priority modules” within the Sexual Health Education curriculum on these topics and require schools to at least deliver instruction on these modules. CPS should track completion of priority modules and reward schools that complete priority modules, even if those schools do not complete the total required minutes.

CPS should also consider developing a pilot program of the Sexual Health Education curriculum priority modules to launch in a sampling of schools for select grade levels. CPS could use this pilot program to evaluate the structure, content, and administration of the new priority module curriculum with the overarching goal of providing age-appropriate instruction on consent and sexual violence prevention to all CPS students.

Finally, we recognize the sensitivity of these topics and that some designated sexual education instructors may feel ill-equipped to teach them. For these reasons, CPS should encourage schools to utilize experts, such as OSP’s Coordination Coalition community organizations, to deliver this priority instruction on consent and sexual violence prevention.⁸⁴

Student Bill of Rights

This year, CPS created a “Student Bill of Rights,” which is a student-facing document designed to inform CPS students of their rights.⁸⁵ According to this document, every CPS student has a right to free public education; a right to speak, advocate, organize, and participate; a right to health, nutrition, and personal care; a right to fair consequences; and a right to a safe, secure, and supportive school environment. The Student Bill of Rights references each student’s right to comprehensive sexual education curriculum. It also outlines the protections afforded under Title IX, including students’ right to report incidents of sexual violence, harassment, or discrimination to their school, OSP, or the U.S. Department of Education, Office for Civil Rights.

Student-Facing and Marketing Materials

CPS has included information on reporting sexual misconduct and student rights under Title IX in a variety of marketing materials, including student handbooks, posters, student calendars, flyers, and stickers. These materials, which employees have posted throughout the schools, clearly articulate the procedures for report-

⁸⁴ Because parents and guardians can opt their children out of the sexual education curriculum and some schools can receive waivers for the curriculum, we reiterate our recommendation that CPS provide an alternative online training for those students who will not receive the curriculum at school, subject to a separate opt-out.

⁸⁵ CPS, *Student Bill of Rights*, available at https://cps.edu/SiteCollectionDocuments/1_SBOR.pdf (last visited September 20, 2019).

ing to OSP, OIG, or anonymously to the Chicago Rape Crisis Hotline. These materials also contain examples of the types of behavior for which students can seek help by depicting students with the following captions:

- ▶ “My coach hugs me and compliments my appearance, and it makes me feel uncomfortable.”
- ▶ “My ex shared private pictures of me, and I don’t know what to do.”
- ▶ “My friend is always touching me in ways I don’t want.”
- ▶ “My significant other threatened to hurt me, and now I’m scared to come to school.”
- ▶ “A grown up at school keeps texting me and giving me presents.”

Prevention Training

While the CPS Sexual Health Education curriculum and OSP-distributed materials now provide avenues for students to learn about appropriate boundaries and CPS’ reporting policies, OSP has gone further and established a “Coordination Coalition” of five community organizations: CAC, Youth Outreach Services, Resilience, Mujeres, and the Young Women’s Christian Association (YWCA) Chicago. These organizations have provided some prevention training in isolated CPS schools on an ad hoc basis. We understand that OSP plans to utilize this coalition in a more organized manner to provide multi-session prevention training on topics regarding sexual violence and consent. We stress the importance of comprehensive prevention-oriented student training and encourage CPS and OSP to continue pursuing this kind of student-specific training through specialized organizations. Students must feel supported and safe in their schools by knowing their rights and resources.

6. Parent and Guardian Training

As of this report, CPS has not developed any direct training for parents and guardians on how to prevent, identify, report, and respond to sexual misconduct. As we mentioned in our Preliminary Report, victims may not always come forward, and predators may take steps to prevent detection from other adults. For these reasons, CPS should ensure that all members of the CPS community know how to identify and report sexual misconduct.

To reach parents and guardians, this year, OSP trained the Parent Support Center staff who work with parents throughout the district. OSP also set up tables and distributed materials at back-to-school events that occurred throughout the district from July 30 to August 15. In this way, OSP reached a large population of parents and guardians at events that parents would otherwise attend. We recognize

the difficulty in engaging and training parents and guardians, because CPS cannot require them to complete trainings in the same way they can require staff and students to do so. Training parents and guardians may be especially difficult given the sensitivity of the topic areas and the diverse cultural backgrounds represented among CPS parents and guardians. Nonetheless, we recommend that CPS continue strategic outreach efforts to parents and guardians, focusing on already established parent events and organizations. For example, OSP should consider training parents through meetings of established groups such as the Parent Advisory Councils, Chicago Multilingual Parent Council, and Local School Councils. We also recommend that CPS distribute OSP's student-facing marketing materials to parents as well.

7. School-Specific Training

Last year, CPS conducted live training sessions, facilitated by CAC, for schools highlighted in the *Betrayed* series. Through these trainings, 4,225 CPS employees received specialized training and support.

We recommend that CPS continue to respond to school-specific concerns and trends with catered training and support. CPS should continually analyze data at the school level and solicit feedback from individual schools to better understand each school's needs. And just as it facilitated training from the CAC for the schools highlighted in the *Betrayed* series, CPS should partner with experts and community organizations to deliver school-specific trainings where appropriate.

B. Follow-Up Training Recommendations

Since our Preliminary Report, CPS trained employees through annual, mandatory trainings and through Title IX school representative training. We recommend that CPS continue these trainings, solicit feedback on potential improvements, and measure success.

In comparison to CPS employees, CPS was less successful at training vendors, volunteers, students, parents, and guardians, and we make follow-up training recommendations for these groups. We recognize that these groups are likely more difficult to train than CPS staff and that across-the-board training will be time and resource intensive. We therefore encourage CPS to think strategically about the most effective and efficient ways to train these various groups. For example, for students, we recommend that CPS ensure that students receive the most important aspects of the Sexual Health Education curriculum by developing priority modules of this curriculum and testing these modules in a pilot program. And for parents and guardians, we recommend that CPS continue strategic outreach efforts, focusing on already established parent events and organizations.

We also renew the recommendation from our Preliminary Report that CPS train vendors and volunteers on how to prevent, identify, report, and respond to sexual misconduct. Specifically, we recommend that CPS train all adults subject to a CPS background check, including all vendor employees who provide services with student contact and all Level One volunteers. CPS representatives informed us that CPS' new SafeSchools platform is capable of administering and tracking training webinars to anyone with a valid email address. Therefore, CPS should evaluate whether to use this platform to administer web-based trainings to vendors and volunteers. We recognize that training all vendors and volunteers may take time, and we encourage collaboration between various departments, including OSP, Safety and Security, FACE, and Procurement, to effectuate this training. Once CPS implements vendor and volunteer training requirements, we recommend that it track and monitor compliance with these requirements, as it does for CPS employees.

Reporting

IV. Reporting

KEY IMPROVEMENTS

- Established clear avenues for reporting sexual misconduct and systems to track such reports.
- Clarified what type of conduct triggers mandatory reporting requirements, particularly conduct that may be categorized as “grooming.”
- Logged and analyzed data and regularly shared this data with stakeholders, including the Chicago Board of Education.
- Created a culture of reporting through transparency, due process, and clear understandings of rights, responsibilities, and expectations, prohibiting retaliation for raising a concern or reporting an incident.
- Trained CPS employees on “information gathering” to address school issues and on filing effective reports without unnecessarily interrupting schools, re-traumatizing victims, or jeopardizing future DCFS, OIG, criminal, or Title IX investigations.
- Provided administrators with a straight-forward reporting checklist with key reporting information and contacts.

FOLLOW-UP RECOMMENDATIONS

- Ensure that Aspen effectively elicits all necessary information and prompts users to take required and appropriate next steps.
- Eliminate the Student Logger reporting system.
- Consider changing OSP’s case management system.
- Use data to identify school-specific concerns, including schools that are under-reporting sexual misconduct or do not understand mandatory reporting procedures.

Reporting allegations and incidents of sexual misconduct quickly is essential to complying with Title IX, conducting investigations, providing assistance to victims, stopping offenders, and preventing further misconduct. With a well-designed system for tracking reports, CPS data analysts are also able to identify patterns, improve methods, and target issues that need specific attention.

In our Preliminary Report we observed that administrators uniformly understood that they, and all school employees, are mandated reporters under Illinois law. Many principals, however, were not confident that teachers and other employees understood their obligations and believed that their employees were reluctant to report signs of abuse or neglect to DCFS themselves—preferring that the principals do it. We found that people did not have a uniform understanding as to what they should report and what other actions they should or must take under various circumstances.

Since our Preliminary Report, CPS has overhauled its reporting structure and systems. On September 4, 2018, OSP began supporting schools. OSP now coordinates CPS’ response to all incidents of sexual misconduct (including bullying, harassment, and violence) and works to ensure compliance with Title IX. Further, on October 1, 2018, OIG launched its Sexual Allegations Unit. In coordination with OSP, OIG is responsible for investigating allegations of adult-to-student sexual misconduct. Additionally, over spring break 2019, CPS launched a new incident reporting system called Aspen. This overhaul has not been without its challenges, but on the whole, CPS has vastly improved the process for reporting and tracking allegations of sexual misconduct.

In the following sections, we provide our evaluation of CPS’ mandatory reporting obligations, reporting procedures, and tracking and monitoring processes. We conclude with a summary of our follow-up reporting recommendations.

A. Mandatory Reporting Obligations

Under Title IX and Illinois law, school employees must report sexual misconduct against students.⁸⁶ In accordance with the Illinois Abused and Neglected Child Reporting Act, CPS policy considers all school employees to be “mandated reporters.”⁸⁷ A mandated reporter must call the DCFS Hotline if the mandated reporter has reasonable cause to believe that a child—known to the mandated reporter in

⁸⁶ Title IX requires “responsible employees” to report sexual misconduct. A responsible employee includes any employee who has the authority to take action to redress sexual violence, is required to report incidents of sexual violence, or whom a student reasonably believes has this authority or requirement. The White House Task Force to Protect Students from Sexual Assault noted that, “At the [primary] and secondary school level, this could include school administrators, school law enforcement personnel, and teachers and may also include bus drivers, cafeteria staff, and other employees depending on the district’s practices and procedures.” White House Task Force to Protect Students from Sexual Assault, *Considerations for School District Sexual Misconduct Policies* (September 2016) at 7, n.2, available at <https://www.justice.gov/ovw/file/900716/download>. Likewise, Illinois law requires “school personnel (including administrators and both certified and non-certified school employees)” to report sexual misconduct against students. 325 ILCS 5/1 *et seq.*

⁸⁷ CPS Policy Manual § 511.1.

the mandated reporter’s official capacity as a CPS employee—may have been abused or neglected.

CPS’ current policy makes clear that “abuse,” for purposes of the mandated reporting obligation, includes both physical and sexual abuse, as well as “grooming.” Grooming is defined in the policy as behavior intended to gain a child’s “trust and break down inhibitions for the purpose of sexual abuse.”⁸⁸ Before June 2018, however, CPS’ policy for the Reporting of Child Abuse and Child Neglect did not mention “grooming” or otherwise make clear that certain acts that may alone not constitute actual sexual offenses were nevertheless required to be reported.

In our Preliminary Report, we noted that there was a significant disparity in the frequency with which employees encounter situations that trigger their mandatory reporting obligation. Because the vast majority of these incidents involve suspected neglect (*e.g.*, homelessness or malnutrition) or non-sexual abuse, employees from schools in lower socio-economic areas may contact DCFS several times a month, while employees in other schools may go years without observing something that would trigger their reporting obligation.⁸⁹ These varied experiences suggest that CPS needs to adequately train, and regularly remind, all mandated reporters of the scope of their obligations.⁹⁰ As outlined in the Training section of this report, above, CPS now requires employees to annually complete the DCFS mandatory reporter training.

B. CPS Reporting Procedures

In June 2018, CPS adopted a new policy for the Reporting of Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students to provide a comprehensive framework for the reporting of suspected abuse or neglect, the documentation of these incidents, and the steps that should be taken after each reported incident to support the victim(s) and the reporting party. Additionally, in May 2019, CPS adopted its Comprehensive Non-Discrimination and Harassment Policy, which became effective September 3, 2019, and contains the procedures for reporting to OSP and OIG. This policy, if effectively implemented, will provide uniform guidance to CPS employees and remedy many of the discrepancies in the

⁸⁸ *Id.*

⁸⁹ We note that different cultures may have differing views on appropriate conduct, including the line between child discipline and child abuse. CPS employees would also benefit from training or resources that address these nuances and help ensure that standards are applied uniformly.

⁹⁰ Some administrators said that DCFS is understaffed, has a slow turn-around time, and as a result, often finds allegations unfounded that administrators believe warrant investigation. We have not had the capacity to evaluate these claims or to hear from DCFS directly. While it is beyond the scope of our work to evaluate DCFS, CPS should not—and there is no indication that it has—view DCFS reporting alone as a sufficient response to sexual misconduct allegations.

practices for reporting and documenting sexual misconduct that have previously existed throughout CPS.

1. Reporting of Suspected Abuse or Neglect to CPS Supervisor

CPS' current policy for the Reporting of Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students requires a mandated reporter to notify the reporter's principal or supervisor about the report after calling the DCFS Hotline. This policy, enacted in June 2018, represents a significant change from the prior policy, which provided only that a mandated reporter "may choose to inform his/her supervisor" of the report. In addition, the new policy requires that employees who observe "inappropriately intimate interaction or behaviors" report that conduct to their principal or supervisor even if they conclude they do not have a mandatory reporting obligation because the conduct did not give rise to a "reasonable suspicion" that sexual misconduct occurred. The principal, in turn, must document the report of inappropriate conduct in Aspen and decide whether reporting to DCFS is required. CPS' requirement that principals document all reports of inappropriate conduct in Aspen represents a significant improvement in both the procedure and purpose of reporting. The requirement reflects CPS' recognition that tracking trends is valuable and that robust data collection and management protects all parties to an incident.

2. Initial Information Gathering

As we observed in our Preliminary Report, the role of school employees who discover potential sexual misconduct is "not to investigate or evaluate the alleged abuse, but to *report the behavior which raised concern* to those charged with conducting an investigation,"⁹¹ such as specially trained Title IX employees or OIG.⁹² The DOJ-funded report, "A Case Study of K–12 School Employee Sexual Misconduct: Lessons Learned from Title IX Policy Implementation," has cautioned that, although these investigations are usually well intentioned, district administrators often do not have the training to conduct investigations effectively and do not have the authority or knowledge to confiscate and protect key evidence.⁹³ As a result, these internal investigations may interfere with child welfare or law enforcement investigations. For instance, administrators' investigative efforts can tip off an accused party to likely law enforcement actions, prompting the accused party to destroy important evidence or intimidate victims to keep them from providing testimony. The resulting loss of critical evidence can hurt the ability of law enforcement

⁹¹ U.S. Department of Education Office of Safe and Healthy Students, *A Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting* (March 2017) at 18, available at <https://www.rems.ed.gov/docs/ASMTrainingGuide.pdf>.

⁹² We specifically include OIG here because that office has been tasked with investigating adult-on-student sexual misconduct.

⁹³ Magnolia Consulting, *A Case Study of K–12 School Employee Sexual Misconduct*, at 6.

to prosecute a case, potentially allowing the accused party to escape criminal liability.

In the year since our Preliminary Report, CPS has worked to address this issue by training school administrators and Title IX school representatives to not interview reporting parties, victims, or the accused, and to instead allow trained investigators (OSP, OIG, or EOCO) to do so. Trainers at the 2019 Legal Conference framed this lesson to participants as “Do not pass go” before contacting the relevant office. Trainers also stressed the difference between receiving and documenting a disclosure on the one hand, and conducting an interview or investigation on the other. Principals and assistant principals were reminded that their role is to support and assist the relevant office or agency’s investigation as directed by that office or agency. This training is consistent with the Reporting of Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students policy, which states that “[p]rincipals, supervisors, vendors, or contractors shall cooperate with authorized investigators by making their employees and volunteers available for interviews, participating in requested interviews and providing requested information and documentation.”⁹⁴

CPS should consider amending the Reporting of Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students policy to explicitly prohibit school administrators from investigating incidents or conducting interviews unless directed by the relevant office or agency. The OSP Manual already states, in bold, that “[s]chools and CPS employees should never undertake their own investigations, unless specifically directed by OSP to conduct a school-based investigation.” This directive is especially important in light of recent changes to state law, which restrict schools’ authority to interview child victims.⁹⁵

The Legal Conference training also reflected the reality that some conduct that is reported to OSP can and should be handled at the school level but cautioned principals and assistant principals to “NOT conduct [a school-based investigation] unless directed by OSP!” The OSP Procedure Manual does not contain detailed guidelines on school-based investigations but instead indicates that information should be obtained from OSP when the school is directed to conduct an investigation.

3. Notifying OSP or OIG

The Comprehensive Non-Discrimination, Harassment, and Retaliation policy, which went into effect on September 3, 2019, directs “all inquiries and complaints” about sexual misconduct, harassment, or retaliation based on actual or perceived

⁹⁴ The policy describes “authorized investigators” as “Investigators from the Law Department or Office of the Inspector General (OIG).” CPS Policy Manual § 511.1. This definition should be updated to include OSP investigators, preferably as part of a global review of the CPS Policy Manual.

⁹⁵ See 105 ILCS 5/22-85.

gender or sex to OSP for student-to-student complaints and to OIG for adult-to-student complaints. The policy includes contact information for OSP and OIG.

The policy does not specify at which point in the process school employees should notify OSP or OIG, or what steps they should take before and after. That information has been conveyed in trainings, posters, and flyers that were posted and distributed at the start of the 2019/2020 school year. Per those materials, school employees should contact OSP or OIG after they ensure a student's immediate safety and well-being, and after they contact 911 or DCFS, as appropriate, and the school's principal. School employees should file an incident report after contacting OSP or OIG. The posters and flyers, like the policy, contain phone numbers to contact OSP and OIG and indicate that OIG should be contacted when the accused is a CPS-affiliated adult, while OSP should be contacted when the accused is a student or non-CPS-affiliated party.

4. Incident Reports

For all incidents that a school reports to OSP, OIG, or DCFS, the principal is required to complete an incident report. Subsequently, the principal is also required to ensure that the written confirmation received by the mandated reporter from DCFS is uploaded to the incident-reporting system. At the time of our Preliminary Report, CPS was using an incident-reporting system called "Verify."

In our preliminary evaluation we found a marked disparity among principals as to how they used and understood Verify. Because we did not interview the same number of principals in our follow-up evaluation, we do not comment on the consistency with which principals now use and understand the new incident reporting system, Aspen. We do, however, recommend that CPS monitor and correct incident reporting procedures to ensure consistency across schools.

Aspen

CPS rolled out the Aspen system over spring break 2019. This was an expansive project that affected about 500,000 users. In addition to the critical role played by the IT department, CPS solicited input from Safety and Security, Social and Emotional Learning, and Risk Management on the new system. OSP and OIG were not involved in creating or implementing Aspen. According to CPS, there has not been a significant change in the number of incident reports filed since it transitioned to Aspen.

Before moving to the new system, CPS employed a "change champion" model to train users on the new system. Each school selected a number of "change champions" based on the school population, and those selected were responsible for training their school's users on the new system. CPS provided the change champi-

ons with video and written trainings. CPS also created a “sandbox,” which mimicked the functionality of Aspen and allowed users to become acquainted with the new system before it was officially launched. Principals and teachers were required to complete various activity modules in the sandbox. CPS had planned to roll out the new system over winter break, but as of December 2018, only 60% of teachers and principals had been able to complete the compulsory sandbox exercises. Therefore, to ensure that a greater percentage of users were acquainted with the new system, CPS postponed its launch until spring break of 2019.

Like Verify reporting, Aspen incident reporting is a menu-based system. Aspen incident reports contain almost identical information fields as Verify, including fields for the date, participants, and narrative description. The menu structure does not currently differentiate between neglect, physical abuse, sexual abuse, grooming, and inappropriate behavior. Each Aspen report also contains two mandatory preliminary questions:

- ▶ “Does this alleged incident involve behavior of a possible sexual nature? This may include but is not limited to physical, verbal, nonverbal, grooming, electronic communications, or behavior by an adult that possibly crosses a boundary with a student.”
- ▶ “Does this alleged incident involve adult on student behavior? For the purposes of this question, adult shall mean a staff member (part or full time), employee of a vendor, LSC member, school-affiliated individual, or volunteer.”

When the response to question 1 is yes, the report is automatically sent to OSP, and when the response to questions 1 and 2 are yes, the report is automatically sent to OIG. The system does not prompt users to call OSP, OIG, or DCFS when they answer these questions affirmatively. The system does, however, prompt users to print and fax an informational form to DCFS when the report involves allegations of abuse or neglect.⁹⁶

Aspen incident reports currently contain fewer mandatory fields than the predecessor incident reports in Verify. In response to feedback from teachers and administrators, CPS eliminated a number of preliminary mandatory questions about incidents. These questions are now optional and are contained in a subsequent, separate section of the report. Now principals and administrators do not always

⁹⁶ CPS employees are required to report allegations of abuse or neglect to the DCFS hotline and fax the DCFS reporting form generated by Aspen. During our evaluation we discovered that DCFS had provided CPS with an incorrect fax number, so for a short period of time, DCFS was not receiving CPS’ faxed forms. However, according to DCFS, this discrepancy should not have affected any DCFS investigations because DCFS accepts and evaluates all reports to the DCFS hotline, regardless of whether the report has a corresponding faxed form.

complete these questions, instead relying on the narrative descriptions. As a result, CPS cannot generate meaningful categorical data from the reports or ensure that the proper departments are notified about relevant reports. We understand that CPS is in the process of reinstating a number of these mandatory questions, and we endorse that decision.

We also understand that CPS is in the process of modifying the email notifications that OSP and OIG receive regarding Aspen incident reports. When Verify sent OSP and OIG notifications of the incident reports, the email contained a narrative description of the incident. Initially, for security and privacy reasons, Aspen email notifications did not include this description. The lack of description caused inefficiencies in OSP and OIG case initiation processes, so CPS temporarily reinstated these descriptions. This school year, the Aspen email notifications will contain a direct link to the incident report, which will better address security and privacy concerns while also addressing OSP's and OIG's efficiency concerns.

We recommend that CPS ensure that Aspen effectively elicits all necessary information and prompts users to take appropriate next steps. We believe that the two current mandatory questions in addition to the newly reinstated mandatory questions will ensure that the proper CPS departments are notified about relevant incidents and that Aspen generates meaningful data about those incidents. However, the system does not currently prompt users to undertake other mandatory reporting procedures. Therefore, we recommend that CPS update Aspen such that it prompts users to notify OSP, OIG, and DCFS when required. These prompts should inform users that they are required to notify the relevant entity and provide the correct phone number for that entity.

Student Logger

About 220 CPS schools also use a system called Student Logger. Initially, the system was not sanctioned by the district, and schools contracted individually with the vendor. After realizing the magnitude of schools using Student Logger, CPS centralized the vendor contract for those schools and prohibited any additional schools from using the system. CPS does not have a concrete understanding of how schools use Student Logger. We are informed that Student Logger contains primarily freeform text fields but that schools have the capability of customizing it for their specific needs. Student Logger previously integrated with Verify but, to discourage schools from continuing to use it, CPS did not integrate it with Aspen. CPS plans to continue the centralized Student Logger contract for only one additional year.

Student Logger presents an incident reporting vulnerability for CPS, and we recommend that CPS eliminate it. We are concerned that schools may be using Student Logger as an alternate incident reporting system without any oversight or monitoring, and we endorse CPS' decision to eliminate it. We recommend that CPS

gather information on the functionality and use of Student Logger before its elimination and identify any pertinent Aspen modifications that can fulfill the purpose for which schools use Student Logger. For example, CPS could conduct focus groups with schools that use the system as well as data analytics on Student Logger entries using keywords and trend-spotting.

C. Tracking and Monitoring Processes

As noted above, CPS directs all complaints regarding student-to-student sexual misconduct to OSP and all complaints of adult-to-student sexual misconduct to OIG. While OIG tracks and monitors its own investigations, OSP is responsible for tracking and monitoring both student-to-student and adult-to-student sexual misconduct complaints. This subsection provides an overview of OSP's and OIG's case management systems and processes.

1. OSP Case Management

OSP's Title IX Coordination Unit tracks and records all complaints of sexual misconduct involving CPS students from inception to close. OSP receives reports from its Hotline and from Aspen.

OSP Hotline Intake

The Coordination Unit has seven coordinators who are responsible for fielding calls to the OSP Hotline.⁹⁷ The OSP Hotline is available Monday through Friday, 7:00 AM to 6:00 PM. If all coordinators are occupied, the call is sent to voicemail. OSP receives a large volume of calls. Last year, OSP received per day about 30 hotline calls and 3–4 voicemails, and there were sometimes delays connecting with callers who left voicemails. In May 2019, OSP received almost 700 total calls. The seven coordinators spend much of their time answering and documenting hotline calls.

When a call comes in, coordinators determine whether OSP has jurisdiction over the allegations. OSP will not open a case if it involves allegations about abuse by a non-CPS-affiliated adult or if the type of allegation does not fall under OSP's purview, such as non-sexual bullying. For cases over which OSP does not have jurisdiction, OSP ensures that the caller is connected with the appropriate entity, such as DCFS or the Chicago Police Department.

Last year, OSP did not open cases for adult-on-adult sexual misconduct; these cases were referred to EOCO. To ensure compliance with Title IX, CPS merged

⁹⁷ The Coordination Unit's "coordinators" are distinct positions from CPS' Title IX Coordinator. These coordinators report to the director of coordination, who leads the Coordination Unit, and the Title IX Coordinator. In general, all members of the Coordination Unit assist with the Title IX Coordinator's responsibilities.

EOCO with OSP. As of September 23, 2019, all EOCO employees with responsibilities relating to Title IX had been transferred to OSP.⁹⁸ We endorse that transition, which will likely increase efficiency, personnel expertise, and consistency across cases and investigations.

Of the nearly 700 calls OSP received in May 2019, OSP opened about 500 cases. Regardless of whether OSP opens a case or refers the case elsewhere, OSP logs the call in a spreadsheet, recording the date of the call, the name of the caller if given, the name of the school(s), contact information, the incident report number, the type of investigation (if relevant), and a summary of the call. When coordinators determine that they have jurisdiction over the allegations, they collect additional information from the caller and evaluate what kind of response is appropriate. Coordinators classify the case into one of eleven categories:

1. sexual violence,
2. inappropriate touching,
3. sexual bullying,
4. grooming,
5. dating violence,
6. electronic communications/recording,
7. exposure/voyeurism/masturbation,
8. sexual/gender harassment,
9. stalking/following/leering/staring,
10. voluntary sex act, or
11. retaliation.⁹⁹

Since inception (September 4, 2018), OSP opened 3,270 total cases. 80% of these cases involved student misconduct, 11% involved misconduct by CPS-affiliated adults, and 9% involved non-CPS-affiliated adults.

OSP cases regarding student misconduct break down as follows:

OSP Allegations Regarding Student Misconduct from 9/4/2018 to 7/15/2019¹⁰⁰	
Case Category	Number
Inappropriate Touching	931
Sexual/Gender Harassment	724
Electronic Communication/Recording	398
Sexual Violence	183

⁹⁸ We understand that two EOCO employees with responsibilities unrelated to Title IX have been transferred to other CPS departments.

⁹⁹ OSP recently added two new categories of cases: gender-based discrimination and sexual exploitation.

¹⁰⁰ OSP's July Board video presentation and materials are available on the Board's website. See *Past Meetings*, CHICAGO BOARD OF EDUCATION, <https://www.cpsboe.org/meetings/past-meetings> (last visited September 20, 2019).

Exposure/Voyeurism/Masturbation	158
Dating Violence	100
Sexual Bullying	57
Voluntary Sex Act	56
Retaliation	9
Stalking/Following/Leering/Staring	7
Grooming	1

Currently, coordinators take hand-written notes during calls because their case management system, Lawtrac, is not well-suited for recording information quickly during the calls. This is because Lawtrac records information on multiple pages, and certain mandatory fields must be completed before moving from one page to the next. After each call, coordinators record their handwritten notes in Lawtrac. This process is time-intensive and inefficient. For most calls, Coordinators send a comprehensive email to the caller and the corresponding principal about next steps. This email will include a DCFS tracking number (if relevant) and whether the recipient of the email should call the police. In many ways, this email is sent to document the conversation and provide a Title IX compliance check.

Every case that a coordinator opens in Lawtrac is assigned a case number. Every case is also designated as adult-to-student or student-to-student. Coordinators typically open a case under the victim’s name, but there is not always a single, identified victim. In those cases, coordinators will open the case under the accused’s name. Lawtrac case reports contain a number of information fields, including important dates, Aspen number, investigative entity (OSP, OIG, or none), investigation number, and narrative descriptions, where coordinators will record case notes and correspondence. Lawtrac also contains a “matter checklist,” where coordinators will record other entities contacted, triage action taken, intermediary support services offered, victim and accused demographics, locations, investigation findings, and final support services offered. Coordinators also upload relevant documents into Lawtrac, such as safety plans and notification letters.

OSP Aspen Intake

Every call to the OSP Hotline should have a corresponding Aspen incident report. When coordinators receive a call, they remind the caller to complete an incident report. There is currently no integration between Aspen and Lawtrac, so in addition to the descriptions from the initial call and subsequent communications, coordinators manually input the description from the corresponding Aspen report, which is not always consistent with the description received over the phone.

The director of coordination monitors Aspen reports and ensures that every report within OSP’s jurisdiction was also received via the OSP Hotline and that a case was

opened, when appropriate. The director monitors reports that are specifically designated as sexual in nature as well as reports containing certain keywords, such as “creepy” and “inappropriate touching.” OSP has found that the most common types of reports that are reported in Aspen but not called into OSP are home-based sexual abuse and dating violence. When an Aspen report is not accompanied by a hotline phone call, OSP will follow up with the individual who submitted the report and ensure that the individual understands the required reporting procedures.

It is more common for OSP to receive a call that does not have a corresponding incident report than for there to be an incident report without a corresponding call to OSP. In fact, OSP receives many calls based on incidents that are not within OSP’s jurisdiction because many administrators call OSP when they are unsure of how to proceed. This over-reporting to OSP indicates that, overall, administrators are comfortable calling and receiving instructions from OSP, and that CPS has made progress in creating a culture of reporting during the past year. Administrators are now typically told to call OSP whenever they are unsure of what to do. As of January 2019, only 30-40% of district schools had contacted OSP. By August 2019, more than 90% of district schools had contacted OSP.

Through its monitoring of Aspen reports, OSP has also found that not all incident reports are being properly designated as sexual in nature. OSP speculates that some people are hesitant to use this designation on incident reports. Accordingly, it is possible that OSP has not received notification of incidents where the incident was not designated as sexual in nature on an Aspen report, was not triggered by OSP’s key word monitoring, or was not called into the OSP Hotline.

Overall, we recommend that CPS evaluate procurement of a new OSP case management software system to reduce inefficiency and better reflect the nature of OSP cases. As reflected above, there are many issues with OSP’s current case management system. It does not, for example, integrate with Aspen, and thus, it requires OSP staff to manually record all incident details from Aspen. Additionally, the current system is not specific to Title IX investigations and is not intended to manage the enormous volume of cases that OSP receives. Based on these inefficiencies and shortcomings, CPS should evaluate new software that will allow OSP staff to devote more time and resources to supporting students. The new system should be equipped to integrate with Aspen and support the volume and type of cases handled by OSP.

CPS should also consider creating a public-facing, online OSP complaint form that will integrate with the new case management system. While we expect that OSP will continue receiving most complaints directly from schools, CPS should consider providing the opportunity for members of the CPS community, including students and parents, to submit online complaints to OSP.

2. OIG Case Management

OIG receives allegations of sexual misconduct through the OIG Hotline, Aspen reports, and a web-based form.¹⁰¹ All OIG staff are trained to handle intake through any of these avenues. Like OSP, OIG refers allegations that are not within OIG’s jurisdiction to other entities when appropriate.

OIG classifies cases into one of nine categories:

1. Sexual act,
2. Sexual abuse,
3. Sexual comment (in person),
4. Grooming,
5. Sexual electronic communication,
6. Touching (less than sexual abuse),
7. Other concerning behavior,
8. Student-on-staff inappropriate conduct,¹⁰²
9. Outcry about old conduct

As of July 2019, the vast majority of OIG cases fell under “Other Concerning Behavior.” Specifically, since inception (October 1, 2018), OIG opened 458 cases, which break down as follows:

OIG Cases from 10/1/2018 to 6/30/2019		
Case Category	Number	Percentage
Other Concerning Behavior	208	45%
Grooming	64	14%
Sexual Abuse	46	10%
Touching (less than sexual abuse)	45	10%
Sexual Act	37	8%
Sexual Comment (in person)	32	7%
Student-on-Staff Inappropriate Conduct	11	2%
Outcry about Old Conduct	8	2%
Sexual Electronic Communication	7	2%

The “Other Concerning Behavior” cases refer to, as the name suggests, concerning behavior that does not fit into other categories. In some instances, the conduct of these cases is vague or hard to prove, such as “creepy looks.” According to OIG’s July 2019 report to the Board, OIG does not believe that other jurisdictions would take many of these cases. Nonetheless, OIG has currently taken the position that

¹⁰¹ See *Confidential Complaint Form*, OIG, <http://cpsoig.org/complaint-form.html> (last visited September 20, 2019).

¹⁰² According to OIG, EOCO is now responsible for this category of cases, and as of September 23, 2019, CPS has merged EOCO with OSP.

it will investigate these cases in an abundance of caution.¹⁰³ This position may change as OIG tracks and analyzes data on these cases.

OIG's intake process differs depending on whether a case comes in through the hotline, an Aspen report, or online complaint. For hotline calls, an OIG intake specialist completes a full intake by collecting all relevant information from the caller and completing interview notes from the call. Aspen reports and online complaints are typically assigned to an investigator who then calls the party who completed the Aspen report or online complaint and ensures that a full intake is completed.

For all cases within its jurisdiction, OIG follows five case-opening steps: 1) open the case in OIG's case management system; 2) add the case to OIG's case tracking sheet, which OIG leadership reference daily to ensure that all cases are being appropriately addressed; 3) cross check the case with other Aspen incident reports; 4) cross-check the case with other OIG cases; 5) cross-check the case with OIG's "backward review list," which includes all past allegations of sexual misconduct that OIG is responsible for reviewing; 6) ensure that DCFS, the Chicago Police Department, and OSP are called as appropriate; and 7) assess whether to recommend that the subject be pulled from school pending further investigation. OIG will also request any relevant personnel files and previous investigation notes from the Law Department. OIG aims to complete this intake process within two days, and recently hired four intake specialists to field hotline calls and manage the intake process.

3. OSP Coordination of OIG

OSP collaborates with OIG to coordinate CPS' efforts in cases of adult-to-student misconduct. OSP automatically receives all Aspen reports for incidents that are sexual in nature, *i.e.*, student-to-student and adult-to-student, so OSP is able to monitor all incidents of sexual misconduct involving CPS students. OSP also monitors the status of OIG investigations through a shared spreadsheet called "Status of Investigations," and the Title IX Coordinator currently holds weekly meetings with OIG. The Title IX Coordinator also makes all employee removal decisions and provides all interim student support services pending the outcome of an OIG investigation.¹⁰⁴

¹⁰³ OIG's July Board presentation video and materials are available on the Board's website. *See Past Meetings*, CHICAGO BOARD OF EDUCATION, <https://www.cpsboe.org/meetings/past-meetings> (last visited September 20, 2019).

¹⁰⁴ We note that in its September 12, 2019 findings, the U.S. Department of Education, Office for Civil Rights determined that CPS' Title IX Coordinator "does not have the full authority to coordinate the District's efforts to comply with and carry out the District's responsibilities under Title IX." *Letter Re OCR Docket Nos. 05-15-1178 and 05-17-1062* (September 12, 2019), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05151178-a.pdf>. We do not opine on this finding but understand that CPS is in the process of empowering its

4. Data Analytics

For the first time in its history, CPS is tracking and analyzing data on incidents of sexual misconduct. Naturally, CPS still has room for improvement. OSP has one employee in its Training and Compliance Unit dedicated to data analysis. As referenced above, OSP uses Lawtrac and other CPS data sources, such as Aspen, to aggregate and track data. Lawtrac, however, is not designed for data management or analysis. For example, OSP cannot search Lawtrac by certain fields of information, such as Aspen report number, which makes it difficult for OSP to identify certain trends. Further, Lawtrac records all data-entry edits as case developments, which can cause inaccurate data reporting. For example, if a case is accidentally logged as a sexual violence case but later edited to be an inappropriate touching case, Lawtrac will record the change as a case development rather than an edit, so the case will be recorded under both categories. When compiling and reporting data to the Board, OSP's Compliance and Training Unit has manually corrected for these types of data errors.

OSP and OIG have committed to sharing data reports with the Chicago Board of Education quarterly. In January 2019, OSP reported the following statistics to the Board about reports received through December 2018:

- ▶ Of the 932 total OSP cases, 82% involved reports of student misconduct, 9% involved reports of CPS-affiliated adult misconduct, and 9% involved reports of non-CPS-affiliated adult misconduct.
- ▶ The highest category of reported misconduct was inappropriate touching with 360 reports, followed by sexual/gender harassment with 298 reports.
- ▶ 98% of OSP investigations were closed or pending review.

In April 2019, OSP reported the following statistics about reports received through March 31, 2019:

- ▶ Of the 2,048 reports to OSP, 78% involved reports of student misconduct, 9.8% involved reports of CPS-affiliated adult misconduct, 8.9% involved reports non-CPS-affiliated adult misconduct, and 3.3% involved reports of unknown adult misconduct.

Title IX Coordinator with the necessary authority to coordinate with the OIG regarding its investigations in compliance with its Office of Civil Rights Resolution Agreement. *See Resolution Agreement Chicago Public Schools District 299 OCR Compliant Nos. 05-15-1178 and 05-17-1062* (September 11, 2019) at VI.C.2.i, available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05151178-b.pdf>.

- ▶ The highest category of reported misconduct was inappropriate touching with 683 reports, followed by sexual/gender harassment with 475 reports.
- ▶ 97.7% of OSP investigations were closed or pending review.

In July 2019, OSP reported the following statistics about reports received through July 15, 2019:

- ▶ Of the 3,270 reports to OSP, 80% involved reports of student misconduct, 11% involved reports of CPS-affiliated adult misconduct, and 9% involved reports of non-CPS-affiliated adult misconduct.
- ▶ The highest category of reported misconduct was inappropriate touching with 931 reports, followed by sexual/gender harassment with 724 reports.
- ▶ 100% of investigations were closed or pending review, with 66% found substantiated and 28% found unsubstantiated.

In January 2019, OIG reported the following statistics about reports received through January 9, 2019:

- ▶ OIG received 136 total cases, with an average of 2.43 cases per school day, 65 of which were from high schools and 68 were from elementary schools.
- ▶ OIG had closed 8% of cases, substantially completed investigation of 35% of cases, and was still actively investigating 55% of cases.
- ▶ 55 allegations involved teachers, 17 allegations involved security officers, 10 allegations involved vendor employees, 8 allegations involved Special Education Classroom Assistants (SECAs), and 7 involved substitute teachers.

In April 2019, OIG reported the following statistics about reports received through April 24, 2019:

- ▶ OIG received 313 total cases, with an average of 2.95 cases per school day, 143 of which were from high schools and 167 of which were from elementary schools.
- ▶ OIG had closed 27% of cases, substantially completed investigation of 16% of cases, and was still actively investigating 57% of cases.
- ▶ 138 allegations involved teachers, 44 allegations involved security officers, 22 allegations involved vendor employees, 19 allegations involved substitute teachers, and 16 allegations involved SECAs.

In July 2019, OIG reported the following statistics about reports received through June 2019:

- ▶ OIG received 458 total cases, with an average of 2.92 cases per school day, 229 of which were from high schools and 225 of which were from elementary schools.
- ▶ OIG had closed 35% of cases, substantially completed the investigation of 17% of cases, and was still actively investigating 48% of cases.
- ▶ Of the 160 closed cases, 116 were found not substantiated and 44 were found substantiated.
- ▶ Of the 44 substantiated cases, 2 cases involved sexual misconduct, 6 involved sexual harassment or gender discrimination, and 36 involved other non-sexual CPS policy violations, including improper electronic communications and other unprofessional conduct.
- ▶ 204 allegations involved teachers, 67 allegations involved security officers, 39 allegations involved vendor employees, 29 allegations involved SECAs, 27 allegations involved substitute teachers, 15 allegations involved principals or assistant principals, and 9 allegations involved bus personnel.

This data gives CPS, and the public, a clearer picture than ever before about the rates and nature of sexual misconduct allegations, the subjects of sexual misconduct investigations, and the victims of sexual misconduct in CPS schools. CPS should use this data to inform policy reform, prevention mechanisms, training efforts, and tailored responses. CPS should also continue to seek out more expansive and detailed data analytics with the goal of continuously reducing overall sexual misconduct in CPS schools.

We also recommend that CPS use data analytics to identify schools that might be under-reporting or might not understand the reporting mechanisms. In other sections of this report, such as Section III (Training), we recommend that CPS use reporting data to identify trends and concerns at specific schools. Among those concerns are schools that are failing to follow CPS' mandatory reporting procedures. CPS has established a sophisticated reporting process, which initiates robust investigative and response measures where appropriate; however, schools only obtain the benefit of this infrastructure if they report incidents. Moreover, uniform reporting across schools will help establish a district-wide culture that prevents sexual misconduct. CPS has made significant progress in this respect and can create greater uniformity by identifying any schools that may be under-reporting or do not understand the reporting mechanisms.

We also recognize that, given the increased attention and emphasis on reporting sexual misconduct, some schools may also be over-reporting incidents. For now, CPS should not seek to deter over-reporting. Every report provides OSP an opportunity to educate the reporting party on OSP's function, CPS policies, and other relevant considerations. The more contact points that schools have with OSP, the more educated and comfortable they will become with OSP's reporting procedures. Moreover, over-reporting promotes transparency and provides CPS a more fulsome picture of all types of incidents in the district, which can help CPS better understand its district-wide culture. We encourage anyone looking at CPS' overall reporting numbers to recognize that these numbers are not necessarily a metric for the magnitude of sexual misconduct in the district but rather a reflection of CPS' emphasis on reporting, heightened awareness throughout the district, and OSP's new role as CPS' reporting nerve center.

D. Follow-Up Reporting Recommendations

In response to our Preliminary Report, CPS has made great strides to improve reporting and tracking mechanisms. Our follow-up recommendations regarding reporting of sexual misconduct build on these improvements.

First, we recommend that CPS ensure that its incident reporting software, Aspen, effectively elicits all necessary information and prompts users to take appropriate next steps. Second, we recommend that CPS eliminate the Student Logger reporting system. Third, we recommend that CPS evaluate procurement of a new OSP case management software to reduce inefficiency and better reflect the nature of OSP cases. Finally, we recommend that CPS use reporting data to identify schools that might be under-reporting or might not understand the reporting mechanisms. These improvements will allow OSP and CPS to improve efficiency and data quality, which in turn will allow CPS to identify strengths and vulnerabilities and make the corresponding adjustments.

Investigations

V. Investigations

KEY IMPROVEMENTS

- Ensured that trained and impartial experts conduct investigations, interviews, and interrogations.
- Trained administrators on how to handle and preserve evidence.
- Coordinated with all investigatory authorities and relevant entities to make investigations more efficient and minimize victim interviews.
- Included a children's advocate at victim interviews when appropriate.

FOLLOW-UP RECOMMENDATIONS

- Provide OSP with additional investigators to accommodate the volume of OSP investigations.
 - Provide additional instruction and support for school-based investigations.
 - Audit OSP and OIG sexual misconduct investigations regularly.
-

Title IX requires CPS to investigate certain sexual misconduct allegations. In our Preliminary Report we outlined the deficiencies in CPS' Law Department Investigations Unit including understaffing, lack of training, failure to document and track investigations, lack of coordination with other entities, and the appearance of conflicts of interest.¹⁰⁵ Last summer, CPS recognized and swiftly responded to these flaws in its process for investigating sexual misconduct allegations. Shortly after the Board hired Ms. Hickey, it transferred the responsibility for future investigations of adult-to-student sexual misconduct from the CPS Law Department's Investigations Unit to OIG. The Board also gave OIG the authority to review all of the CPS Law Department Investigations Unit cases involving allegations of adult-to-student sexual misconduct since 2000. After consultation with Ms. Hickey, CPS also announced that it would transfer future investigation of student-to-student sexual misconduct allegations from the CPS Law Department to the new OSP.

¹⁰⁵ During the 2016/2017 school year, the Investigations Unit reviewed and analyzed over 7,500 Verify reports, including over 2,300 "DCFS Contacted Notification Emails," over 1,600 "Sexual Harassment Notification Emails," over 1,600 "Employee Misconduct Notification Emails," and over 1,500 "Student/Staff Altercation Notification Emails." CPS determined these numbers after the *Betrayed* series, and this data was not at anyone's fingertips at CPS. The Verify reports were not uniformly entered, and CPS did not have the proper controls to run such reports at the push of a button. This is one of the many reasons no one recognized the full scope of sexual misconduct at CPS.

In this section, we provide our evaluation of CPS' investigative framework, including OIG, OSP, and school-based investigations. We conclude with a summary of our follow-up investigations recommendations.

A. CPS Investigative Framework

Investigations of sexual misconduct against CPS students now fall under one of three categories: OIG investigations, OSP investigations, or school-based investigations. OIG investigates all allegations of adult-to-student sexual misconduct. OSP investigates the most serious or complex allegations of student-to-student sexual misconduct, and OSP supports and oversees school-based investigations of all other student-to-student allegations.

In the last year, both OSP and OIG worked to implement the best practices for sexual misconduct investigations that we outlined in our Preliminary Report. This section discusses the current investigative procedures for OIG, OSP, and school-based investigations.¹⁰⁶

1. OIG Investigations

OIG's Sexual Allegations Unit is responsible for investigating allegations of sexual misconduct by CPS-affiliated adults. The Unit is led by a chief investigator, an assistant chief investigator, and two assistant inspectors general and is staffed with eleven investigators. It is supervised by the CPS Inspector General and the deputy inspector general. In the 2018/2019 school year, the Sexual Allegations Unit had eight investigator positions and recently received approval for up to 13 investigators. Currently, OIG's leadership and investigators include a retired sex crime detective, two former police officers (one of whom is also a former Title IX coordinator), a former prosecutor, a former district attorney, and several staff with experience in sex-abuse investigations. All OIG investigators are trained in Title IX and forensic interview techniques (except for OIG's most recent hire, for whom forensic interview training will be scheduled as soon as practicable).

¹⁰⁶ We note that the U.S. Department of Education's proposed amendments to the regulations implementing Title IX may require CPS to changes these procedures, but the framework CPS has built to address sexual misconduct will allow it to adapt. For example, the new systems and procedures to track reports and investigations will enable CPS to comply with proposed regulation 34 CFR § 106.45(b)(7), which (among other things) would require CPS to "create, make available to the complainant and respondent, and maintain for a period of three years" various records of the investigation and determination process. Similarly, OSP is already providing written notice of its outcome determinations and can adapt this process to meet the requirements of proposed 34 CFR § 106.45(b)(4). See *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 83 Fed. Reg. 61462 (November 29, 2018).

OIG's general process for all investigations is as follows:

- ▶ Receive complaints;
- ▶ Refer allegations that are not OIG subject matter to CPS' other investigative entities, such as OSP;
- ▶ Call DCFS and/or police, if appropriate, or ensure that they have been called by the reporting party and obtain intake number(s);
- ▶ Make sure the reporting party has notified OSP, or instruct them to do so after speaking with OIG. For non-CPS employee reporting parties (parents, community members, anonymous individuals), OIG will notify OSP directly;
- ▶ Determine if the allegations may warrant employee removal decisions, and, if so, provide necessary information to CPS Law Department, Talent Office, and OSP in order for them to make the decision;
- ▶ Investigate all allegations regarding CPS-affiliated adults;
- ▶ Gather evidence, conduct interviews, and coordinate with police as needed; and
- ▶ Report factual findings and policy violation findings to the Board for each investigation, with recommendations on employee discipline and other appropriate measures included for substantiated allegations.

When OIG assigns an investigator to a case, the investigator typically begins by reaching out to the reporting party and then proceeds to interview the student victim (if appropriate, based on the allegations), any witnesses, and the school principal and/or assistant principal. If appropriate, OIG obtains or subpoenas school bus video, CPS emails, cell phone records, IP addresses, social media information, and other relevant evidence. OIG investigators do not interview any student without parental consent. Last year, OIG relied heavily on principals to obtain parental consent. This year, to better control the timing and messaging to parents, OIG intends to reach out to parents directly or give principals deadlines for contacting parents. OIG investigators usually interview the subject of the investigation last, and will conduct additional investigative steps, if any, based on information obtained in the subject's interview.

Consistent with the recommendations in our Preliminary Report, CPS, OIG, the Chicago Children's Advocacy Center (CAC), and other investigative agencies have coordinated to prevent CPS students from being interviewed repeatedly and to

ensure the presence of a children’s advocate at investigative interviews, as appropriate.¹⁰⁷ OIG attends meetings of the CAC Multi-Disciplinary Team, which consists of representatives from CAC, the Chicago Police Department, Cook County State’s Attorney’s Office, DCFS, and Stroger Hospital. When other agencies are investigating the same incident as OIG and an investigative interview of a CPS student victim is necessary, trained forensic interviewers from CAC conduct one video-taped, forensic interview.¹⁰⁸

Last year, OIG and the CAC Multi-Disciplinary Team implemented a process for OIG to obtain consent to view the video-taped forensic interviews. OIG submits a request to view the video to the State’s Attorney’s Office. The State’s Attorney’s Office coordinates with the Chicago Police Department and DCFS to determine whether it is appropriate for OIG to view the video. OIG can view a video-taped interview when any relevant Chicago Police Department or DCFS investigation is complete. However, the Chicago Police Department and DCFS often delay closing cases in anticipation of future developments. In situations where OIG requests to view a video but the Chicago Police Department or DCFS case is not closed, the State’s Attorney’s Office, the Chicago Police Department, and DCFS representatives make a subjective determination about whether to allow OIG to view the video,

¹⁰⁷ Last summer, the Illinois Senate and House Education Committees held a joint hearing in response to the *Betrayed* series and heard testimony from CPS, DCFS, ISBE, and CAC representatives, among others. A repeated line of questioning from State representatives involved the importance of not repeatedly questioning student victims. In her testimony, CAC’s Executive Director explained that, in her opinion, the ideal process would involve CPS representatives notifying DCFS or the Chicago Police Department of the allegation quickly; working with CAC’s forensic investigators to provide necessary background information and questions that CPS needs the witness to answer in order to provide appropriate discipline to CPS-affiliated adults; and developing protocols for CAC to provide the video of the forensic interview to OIG or OSP investigators. See *Hearing on Sexual Abuse at CPS – Part 4: DCFS, CAC, Chicago Teachers Union*, CAN TV (June 29, 2018), available at <https://www.youtube.com/watch?v=eLW7L7wSAnQ> (at about 51:30) (last visited September 25, 2019). Achieving this process, however, is not fully within CPS’ control. At the time of this hearing, CPS was not permitted to view the video of the forensic interview. Further, CPS and OIG were not, and still are not, permitted to provide questions for the forensic interviewer to ask the witness. The process described by CAC’s Executive Director at the hearing requires coordination among CPS, OIG, CAC, DCFS, the Chicago Police Department, and the Cook County State’s Attorney’s Office. As explained further below, based on our review, it appears that these entities are still working to create a consistent process for facilitating OIG’s access to forensic interviews.

¹⁰⁸ 105 ILCS 5/22-85, enacted August 23, 2019, essentially codifies the process developed by OIG, CAC, and the other investigative agencies, extending it statewide. With respect to sexual abuse incidents being investigated by DCFS or law enforcement, the new law prohibits schools from interviewing a victim until after a CAC forensic interview is completed (unless certain notice and time limit conditions are met), and requires the school to make a child advocate available to the student during any such interview. DCFS and law enforcement agencies are required under the new law to notify a school when their sexual abuse investigations are complete and of the outcome. To the extent allowed by federal or state law, a school must inform law enforcement or DCFS upon request of any evidence it has gathered pertaining to an alleged incident of sexual abuse.

prioritizing the preservation of their evidence and the integrity of their investigations. We understand that OIG consistently communicates with the investigators from other agencies, which allows OIG to be well-informed about when to request to view the video in each case. As of this report, the State's Attorney's Office has only denied one OIG request due to an ongoing Chicago Police Department or DCFS investigation.

When the State's Attorney's Office determines that OIG may view the video, they notify the CAC director of advocacy, who then contacts the family of the student interviewee to notify them that OIG will be contacting them to obtain consent to view the video interview. If CAC's director of advocacy is not able to get in touch with the family after multiple attempts, CAC will also notify OIG of this. OIG subsequently contacts the interviewee's family to obtain consent. This process for obtaining consent to view the forensic interview has been cumbersome and inefficient. It has also presented a significant hurdle to OIG investigations: as of August 2019, OIG had been unable to obtain family consent to view 16 of the 42 video interviews that it requested to view.

Recognizing the delay caused by this process for obtaining consent, OIG has worked with CAC, the State's Attorney's Office, and the Chicago Police Department to establish a better process going forward. As of August 2019, OIG has been permitted to reach out to obtain parental consent to view video interviews as soon as OIG is informed that that forensic interview has occurred. As of September 2019, CAC began including OIG on emails notifying other members of the Multi-Disciplinary Team that a forensic interview has been scheduled for any victim or witness in an OIG case, further building communication and efficiencies in this process. OIG investigators must still wait for approval from the State's Attorney's Office to view the video, but now they can obtain parental consent long before they request to view the video thus eliminating some delay caused by the previous process. We are informed that OIG is having greater success obtaining parental consent with this new process, and we encourage OIG to continue to streamline its investigations where possible.

2. OSP Investigations

The following section summarizes OSP's case load and investigative process.

OSP Case Load

OSP's Title IX Investigations Unit is responsible for leading investigations of the most serious or complex reports of student sexual misconduct and reports of adult sexual misconduct involving non-CPS-affiliated adults. The Investigations Unit is led by the director of investigations, who oversees eight investigators. OSP investigations average four to seven days, from the opening to the closing of the case. Last year, OSP investigated more than 530 cases.

This workload will increase. Starting in the 2019/2020 school year, OSP's Investigations Unit took over responsibility for investigating student-to-student physical violence cases, which were previously investigated by the Law Department. As part of this transition, two investigators from the Law Department were transferred to OSP. CPS also recently transitioned EOCO investigations to OSP, which adds investigations into allegations regarding misconduct against or between CPS-affiliated adults. For this reason, we recommend that CPS provide OSP with additional investigators to accommodate the increasing volume of OSP investigation and continue to monitor OSP's resource needs.

OSP Investigative Process

When OSP coordinators open a case that will be investigated by the OSP Investigations Unit, they call the director of investigations to provide details on the case. The director of investigations asks the coordinators relevant follow-up questions and then assigns the case to an investigator. Investigations are assigned primarily based on the investigators' skill set and workload. For example, OSP currently has two Spanish-speaking investigators and one investigator who specializes in working with LGBTQ+ students. Once an investigator has been assigned to the case, the coordinator sends an email notification connecting the investigator with the school and providing the school with notification letters to send to the parents of the students (victim and accused) involved in the investigation. The investigator tries to arrive at the school on the same day that a case is opened or the following morning, at the latest. The investigator notifies the school if they will not be able to arrive until the next morning.

When an investigator arrives at the school, the investigator first connects with the principal and then interviews the "outcry adult" (the adult who first received the report of student misconduct). The investigator then interviews the victim. The victim's parents are permitted to be present during the interview, but the investigator may ask them to step out if the student becomes uncomfortable with their presence. The investigator typically asks the victim if there were any witnesses to the incident. If so, the parents of any student witnesses are notified, and the investigator interviews the witnesses. Then, the investigator interviews the accused.¹⁰⁹ As with student victims, the parents of the accused party are permitted to be present during the interview. And as the investigator does with the victim, the investigator asks the accused if there were any witnesses, and if so, their parents are notified, and they are interviewed. Sometimes, through the course of an investigation, an investigator will discover that the initial case classification was incorrect but that another classification fits the facts of the case. Likewise, an investigator may discover other alleged incidents of misconduct. In these circumstances, the investigator will fully investigate the new allegations or evidence and

¹⁰⁹ The notice requirements of proposed 34 CFR § 106.45(b)(2) may necessitate changes to this process.

take any other appropriate measures, such as reporting to other agencies or facilitating support services for the victim and the accused.

After completing these interviews, the investigator collects any other corroborating evidence, such as video footage or communications. The Safety and Security Department preserves school video footage, and the Student Transportation Department preserves bus video footage. Investigators use their CPS cell phones to take pictures of any relevant text messages. If the case involves child pornography, the investigator instructs the school to contact the Special Investigations Unit housed in the CAC, which will provide guidance on appropriate preservation or deletion measures. If the Chicago Police Department is involved in the investigation, it will determine appropriate collection or deletion measures for any child pornography evidence.

After concluding the investigation at the school, the investigator returns to OSP to discuss the case with the investigations team. The director of investigations is involved in all outcome determinations and provides an outside, unbiased perspective on the evidence collected.¹¹⁰ The outcome of an investigation is evaluated based on a preponderance of the evidence standard, meaning that the allegations are substantiated if the Investigations Unit determines that it is more likely than not that the alleged incident occurred. Investigators evaluate the totality of the circumstances but do not make any witness credibility determinations. When a case involves one student's word against another's, the investigator will give evidentiary weight to a victim's immediate outcry. OSP does not make outcome determinations in cases involving accused students 7 years old and under and instead focuses on appropriate support services in these cases.

Once the investigative team has reached an outcome determination, the assigned investigator prepares an outcome letter for the parents of the victim and accused, which they deliver to the OSP coordinator who opened the case with a description of how they arrived at the outcome. In the most egregious cases, OSP will work with school administrators to coordinate and attend outcome meetings with the students involved and their parents. In these cases, OSP will deliver the outcome letters at the outcome meetings. In other cases, OSP will instruct the school to send the outcome letters. When the case classification has changed during the course of an investigation and the allegations of the new classification are found substantiated, the letter will state that the original classification was unsubstantiated but that the new classification was substantiated. Investigators complete a

¹¹⁰ Proposed 34 CFR § 106.45(b)(4) would require that the investigator(s) and "decision-maker(s)" "cannot be the same person(s)." Proposed 34 CFR § 106.45(b)(3) would require schools to provide each party an opportunity to pose questions to the other party and to witnesses before a determination of responsibility, with or without a live hearing. It would also give students a right to be accompanied by an advisor (who may be an attorney) during the grievance process and an "equal opportunity to inspect and review evidence."

comprehensive investigative report for every case, which they upload to the Lawtrac case file, along with any other documentation related to the investigation.

Outcome letters also inform parties of their appeal rights. Any party may appeal the outcome of an OSP investigation within 15 days of receiving the outcome letter. The Title IX Coordinator handles appeals from all OSP investigations. In considering an appeal, the Title IX Coordinator reviews whether any factual errors were made in the investigation, whether the documentation of the investigation was correctly interpreted and supports the outcome, and whether any new information not available at the time of the investigation changes the outcome. For the 2018/2019 school year, there were fewer than 10 OSP investigation appeals.

3. School-Based Investigations

When OSP receives a call or incident report involving student-to-student sexual misconduct, coordinators determine whether there should be an OSP investigation or a school-based investigation. School-based investigations are generally appropriate in situations involving less serious allegations, such as bullying or name-calling.

Title IX school representatives at each school coordinate school-based investigations, with support and oversight from OSP. OSP has trained Title IX school representatives to lead these investigations, and OSP provides instructional materials to the representatives and administrators at each school documenting the proper procedure for these investigations. According to OSP's Guidelines for School-Based Investigations, school-based investigations should consist of the following steps:

- ▶ **Open an investigation.** Report to DCFS or the Chicago Police Department if needed, create an Aspen report, and call OSP. Receive instruction from OSP that the case requires a school-based investigation. Establish support for all parties involved as soon as possible, including safety plans, moving classes, or other interim measures. Obtain signed notice of investigation letters from parents of victim and parents of accused students. Begin investigation no later than the next school day and document all steps in Aspen.
- ▶ **Gather information.** Talk to and obtain written statements from everyone involved, ideally in the following order: staff, victim, witnesses, and accused. If a student cannot write, memorialize his or her statement in writing for them. Collect, preserve, and review evidence. This may include screenshots, video footage, social media, etc. If the evidence discovered includes images of students partially clothed or images of students engaging in sexual behavior, do not collect and preserve it. Instead, call OSP to discuss this finding. Submit relevant requests to preserve bus footage or school surveillance footage.

- ▶ **Establish the outcome.** Consider whether it is more likely than not that the incident happened. Share with OSP a written summary of the investigation, including the determination and reasoning, and communicate with OSP to receive guidance on next steps. Upload the written summary into Aspen.
- ▶ **Impact.** Communicate the outcome to relevant parties. OSP and Title IX require signed outcome notice letters from the parents of the victim and the accused. Apply the Student Code of Conduct and consult with the Office of Social and Emotional Learning and the Law Department as needed. Revisit the ongoing support established when the investigation was opened.
- ▶ **Close the case.** Ensure that all documents, including the written summary, are uploaded to Aspen and shared with OSP.

The Guidelines for School-Based Investigations also provide the following additional direction for schools conducting school-based investigations:

- ▶ Do not investigate until an Aspen report is created and OSP is contacted and provides direction.
- ▶ Do not disclose any confidential student information. For questions about this issue contact a school law attorney in CPS' Law Department.
- ▶ Meet with witnesses and parties separately and one at a time.
- ▶ Ask open ended questions.
- ▶ Focus on the 5 w's (who, what, when, where, why).
- ▶ If additional incidents are disclosed (related or unrelated) ensure that the proper notifications are made to DCFS, Chicago Police Department, and OSP.

Any party may appeal the outcome of a school-based investigation to OSP's director of investigations within 15 days of receiving the outcome letter. In considering an appeal, the director of investigations reviews whether any factual errors were made in the investigation, whether the documentation of the investigation was correctly interpreted and supports the outcome, and whether any new information not available at the time of the investigation changes the outcome. For the 2018/2019 school year, OSP received about 15 appeals from school-based investigations. The director of investigations overturned the outcome in every case, indicating that the schools are still learning how to apply the preponderance of the evidence standard to their investigations. We therefore recommend that CPS provide additional instruction and support to school administrators and Title IX school representatives to ensure that each school is capable of implementing OSP's investigative best practices and making appropriate outcome determinations.

B. Follow-Up Investigations Recommendations

Since our Preliminary Report, the Board and CPS have taken significant steps to overhaul the investigative processes regarding sexual misconduct against students. Naturally, there is and will continue to be room for progress.

For example, as referenced above, OSP has a high case load, which will continue to increase as it incorporates physical violence and EOCO investigations. As a result, we recommend that CPS allocate at least two additional investigators to OSP. To provide perspective, we compare the case load of OIG and OSP investigators. Since October 1, 2018, OIG's eight investigators were responsible for investigating 458 cases regarding sexual misconduct against students. As of June 30, 2019, OIG had closed 160 of those cases. In comparison, in roughly the same period, OSP's six investigators were responsible for investigating over 530 cases, and as of July 15, 2019, OSP had closed 475 of those cases. Additionally, OSP investigators are responsible for writing their own investigative reports, unlike OIG, which recently hired four staff attorneys to write investigative reports to facilitate quicker disposition of OIG cases. We recognize that OSP and OIG's distinct objectives, processes, and types of cases may contribute to these differences. Overall, however, OSP's growing case load and the speed with which OSP is expected to complete investigations necessitate additional OSP investigators.

Additionally, because the majority of allegations of sexual misconduct require school-based investigations, we recommend that CPS provide additional support and instruction to schools for these investigations. OSP and schools have taken significant steps to designate and train Title IX school representatives at every district school. However, while it is still very early in the process, the rate of overturned findings from school-based investigations suggests that OSP should provide additional instruction and support, and we recommend that it do so.

Finally, as referenced above, OSP and OIG investigations are just beginning to implement their updated policies and procedures for investigations. As a result, our review here does not evaluate full compliance with Title IX, other laws, policies, or best practices to protect CPS students. Therefore, we recommend that the Board periodically audit all of its investigative entities for compliance with Title IX and other federal regulations,¹¹¹ Board policies,¹¹² and our recommendations. Such an

¹¹¹ In general, as recipients of federal funds, the Board, CPS, OSP, EOCO, the Law Department, and OIG are prohibited from discriminating based on race, color, national origin, sex, or disability. See, e.g., Title IX of the 1972 Amendments to the Elementary and Secondary Education Act (20 USC § 1681), Title VI of the 196 Civil Rights Act (42 USC § 2000d), Section 504 of the 1973 Rehabilitation Act (29 USC § 701), the Individuals with Disabilities in Education Act (20 USC § 1410), and Chapter 126 of the Americans with Disabilities Act (42 USC § 12131).

¹¹² Board policies echo the federal prohibitions on discrimination and add specific requirements. See, e.g., CPS Policy Manual § 102.4 (Rights and Responsibilities of Parents and Students) (May 27, 1987) ("No student shall, on the grounds of race, color, national origin, sex, or solely on the

audit would allow CPS to confidently continue with policies and procedures that are working and identify and address inefficiencies.¹¹³

basis of a handicap, be excluded from participation in, denied benefits of, or be subjected to discrimination under the school's educational program or disciplinary procedures.”).

¹¹³ We note that the recent Resolution Agreement between CPS and the U.S. Department of Education, Office for Civil Rights, requires CPS to engage an independent review of sexual harassment complaints since September 1, 2016. *Resolution Agreement Chicago Public Schools District 299 OCR Compliant Nos. 05-15-1178 and 05-17-1062* (September 11, 2019) at VI.C.2.i, available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05151178-b.pdf>. The audit we are recommending should be complementary, periodic, and more comprehensive.

Response

VI. Response

KEY IMPROVEMENTS

- Held employees, vendors, and volunteers accountable when they violated policies and procedures with discipline that was commensurate with the violation.
- Made OSP the nerve center for the CPS community to learn about and receive student support services.
- Developed a district-wide protocol for appropriately communicating sexual misconduct incidents and allegations in OSP cases.
- Ensured that CPS students have, are aware of, and receive social and emotional support services.
- Used experts, such as the Chicago Children’s Advocacy Center, to train employees on how to provide appropriate support for student victims and student offenders.

FOLLOW-UP RECOMMENDATIONS

- Monitor the district-wide utilization of support services to ensure that schools sufficiently emphasize supports across all regions and demographics.
- Develop a district-wide protocol for appropriately communicating sexual misconduct incidents and allegations in OIG investigations.
- Monitor employee discipline to ensure that discipline is proportionate to the offenses.

Title IX requires CPS to remedy effects of sexual misconduct against students, stop sexual misconduct, and prevent recurrence. This responsibility includes providing support services, separating accused parties from victims or potential victims, and if applicable, providing sufficient discipline, including limiting offenders’ access to students, terminating employment, and assisting in license-removal efforts.¹¹⁴

Through the successful implementation of OSP, CPS is well on its way to fulfilling these responsibilities. OSP has become the nerve-center for responding to allegations of sexual misconduct and is well-positioned to ensure that all students have access to services aimed at both preventing and responding to sexual misconduct

¹¹⁴ See U.S. Department of Education Office for Civil Rights, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (January 19, 2001) at 10, available at www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf.

in all CPS schools. In fact, OSP has developed a comprehensive process for referring students to appropriate support services. Further, as discussed in the previous sections, the vast improvements in CPS' reporting and investigation of sexual misconduct allegations has, in turn, promoted more robust and reliable disciplinary measures.¹¹⁵ This section provides our evaluations of CPS' student support services; employee removal procedures; parent, guardian, and community notifications; and employee discipline. We conclude with a summary of our follow-up response recommendations.

A. Student Support Services

In our Preliminary Report, we observed that CPS had various resources for students involved in incidents of sexual misconduct, including CPS school-based clinicians, Central Office support, and government and private partners. Most administrators believed that, while these resources were available for all schools, schools used them and promoted them to differing degrees. We observed that administrators did not emphasize support services in any uniform manner.

CPS has taken significant steps toward prioritizing and providing student support services to all CPS students involved in incidents of sexual misconduct, including victims, reporting parties, witnesses, and accused parties. In every OSP case, regardless of whether OSP or OIG is investigating the allegations, OSP sends an email follow-up to the reporting party. This follow-up email has a section dedicated to student supports in which OSP encourages schools to consider connecting students to the following supports:

- ▶ Check in/check outs with a trusted school employee;
- ▶ Counseling or social work support at the school;
- ▶ Student Safety Plans, with a note to consider incorporating elements of emotional supports, such as identifying a safe person at a school, and coping mechanisms; and
- ▶ Connection to external counseling.

OSP coordinators also request that the school share OSP's "Chicago Community Resources" list with the students/families involved. This list currently contains 14 free support, advocacy, and counseling resources specifically related to sexual violence and domestic violence, including resources for multilingual, multicultural, and LGBTQ+ students. The list also includes resources that address problematic sexual behavior. OSP tracks whether it provided student support referrals in all

¹¹⁵ See Section IV (Reporting) and V (Investigations), above.

cases, but in general, OSP must rely on the schools to connect students to these services.

In its follow-up communication, OSP also reminds schools that trauma and exposure to sexual misconduct or harassment can impact students in inconspicuous and hidden ways. No matter the perceived severity of the incident, OSP instructs schools to stay attuned to the well-being of students, any behavior changes, and how OSP can support the school in creating a safe environment for the students involved and the school community.

In cases involving severe trauma, particularly OIG cases, OSP endeavors to connect students to external counseling. In these cases, OSP refers schools and families to the intake coordinator at CAC, who can guide families to the most appropriate supports. CAC utilizes its referral network called Providing Access Toward Hope and Healing (PATHH), which includes 23 mental health providers across the city. Students whose cases are being investigated by the Chicago Police Department or DCFS are also automatically referred to CAC.

Different types of cases and different students will require different support services. OSP acknowledges that external counseling is not a good fit for all cases. Students may prefer to confide in other members of the CPS community, and in-school resources can sometimes provide more continuity for long-term support. When properly trained, in-school clinical support employees can play a role in supporting students involved in incidents of sexual misconduct. Last year, CPS added 100 new social workers throughout CPS. While some administrators still believe CPS needs to do more, most agreed that this was a major step in the right direction.

In our preliminary evaluation we noted that, while most administrators praised their clinical-support employees as trusted and experienced professionals, some administrators said that the quality of clinical-support employees varies dramatically and complained that turnover is high. We emphasize that, in order to provide meaningful support, these in-school clinicians must be specifically trained to work with student victims and students accused of sexual misconduct. To that end, last year CPS facilitated training through CAC for school counselors and related service providers about healing from sexual abuse and trauma-informed care.

Further, anyone in the CPS community supporting a student who has been involved in an incident of sexual misconduct must understand how to appropriately respond to victims of sexual violence. To this end, OSP and CAC developed a handout on appropriately responding to survivors, which contains the following instructions:

- ▶ Listen to the students and give them your full attention. Make every effort to have the conversation in a space where others will not hear to protect privacy

and confidentiality. Use body language to communicate your support by facing the student.

- ▶ Demonstrate empathy with your words. Some examples of appropriate response include: “I am so sorry that happened.” “Thank you for sharing.” “I believe you.” “It’s not your fault.” “I am here to support you.”
- ▶ Avoid asking a lot of questions or pressuring the student to talk. Being present with them in a hard moment, even if you do not say a lot, demonstrates that you care.
- ▶ Do not make promises that you cannot keep.
- ▶ Respect student privacy within the school.

We understand that it is impossible to preemptively identify every member of the CPS community whom students may choose to confide in. That is why it is important to ensure that all CPS-affiliated adults are aware of these basic instructions for responding to students who have experienced sexual misconduct.

Although OSP is guiding schools to appropriate support services in all cases, OSP is not tracking what supports are actually provided to students. As a result, we recommend that OSP begin monitoring the utilization of student support services. We recognize that this is a difficult task because it requires OSP to monitor and track both the referrals that schools actually make and the supports that students ultimately receive. We understand that the OSP coordination team is in the process of reorganizing such that some coordinators will be stationed throughout the district. This will allow these “field coordinators” to visit schools for the most serious cases (any allegation of sexual or dating violence or abuse) and will also give those coordinators more oversight over supports.

We also understand that OSP is in the process of creating support guides for specific types of incidents, such as sexual violence, and specific types of behaviors, such as sexually problematic behavior. We recommend that, in all cases, but especially in the most serious OSP and OIG cases, OSP provide case-specific guidance on the best support services for that case and follow up with schools about which support services were offered and which support services were utilized.

As we observed in our Preliminary Report, and as remains true for many of the topics discussed in this report, each school’s culture significantly impacts its students’ access to or knowledge of support services. Schools that have developed a supportive culture have generally healthy communication and feedback and, likely as a direct result, more student support structures and partnerships. By monitoring the support services provided by schools and utilized by students, OSP will be better equipped to foster supportive culture at schools across the district.

B. Employee Removal Process

During the summer of 2018, CPS instituted a policy to remove teachers from the school immediately after there has been an allegation of “sexual abuse.” In our Preliminary Report, we recommended that CPS further clarify this new policy. While this policy is sound, in principle, to the extent it relates to credible allegations of abuse, we believe that more clarification is required to specify under what circumstances CPS will remove an employee pending an investigation. We also recommended that CPS consider preventative measures short of removal that could be implemented pending a complete investigation—such as warnings, no-contact directives, and supervision—and develop guidelines for how to impose those measures.

Since our Preliminary Report, OIG and OSP have been developing procedures for removing a school employee from the school when there have been allegations of a sexual nature against them. Last year, when OIG determined that an employee needed to be removed, OIG sent an email to several CPS department heads (OSP, Talent, Law, Safety and Security, Education, and others). Those individuals then engaged in a dialogue about whether and how to remove the employee from the school. This process was informal and ad hoc, with no designated decision-maker. Additionally, CPS discovered some cases in which it disagreed with OIG’s determination not to prompt a removal discussion.

To streamline this removal process and ensure that CPS does not inadvertently fail to remove employees when warranted, CPS implemented an updated employee removal procedure for the 2019/2020 school year. Now, when OIG determines that employee removal may be appropriate, OIG will notify the Title IX Coordinator, OSP’s director of Title IX coordination, CPS’ director of school-based human resources partnerships, and CPS’ Chief Talent Officer for decision making on whether to remove the employee. To effectuate the removal, OIG will also notify CPS’ director of employee engagement and assistant director of employee engagement. OIG will also notify several other key CPS employees, including the Chief of Staff, the Chief of Safety and Security, and several Law Department personnel. If the employee works in a charter or contract school, OIG will also notify the director of performance and accountability and the executive director of the Office of Innovation and Incubation.

OIG also began sharing ongoing investigations data. The Title IX Coordinator will review this data regularly to identify any cases for further discussion in which OIG did not recommend an employee for removal pending an investigation but CPS believes that removal might be warranted.

C. Parent and Community Notifications

When it is determined that an employee should be removed from a school, OSP typically works with the principal of the school involved to draft a letter informing the school community that removal has occurred for “allegations of inappropriate behavior.” The principals tend to know their communities best, so they will sometimes suggest additional language for these notification letters. In some cases when the subject has little visibility to the community, there will not always be notifications to the community.

When an employee is reinstated after a removal, OSP works with principals to notify the community and develop a Student Safety Plan for the student(s) involved. The typical language in a reinstatement letter has been that “the allegations are unsubstantiated.”

Although OSP attempts to keep principals informed about the status of investigations, removal situations create uncertainty for the employee and the school community. CPS has not yet established a procedure for affirmatively notifying schools about the status of ongoing employee investigations. When schools contact OSP about the status of ongoing employee investigations, OSP typically directs the inquiry to OIG. The unpredictable nature and length of OIG investigations may create additional uncertainty within the school community. As a result, we recommend that CPS develop a protocol for communicating information about the status of sexual misconduct allegations and investigations in all OIG cases.

OSP is responsible for coordinating CPS’ response to all allegations of sexual misconduct, including cases investigated by OIG. OSP’s ownership over the entire process of student-to-student cases has allowed OSP to effectively and promptly communicate with the parties involved, including schools, students, and parents. However, because adult-to-student cases are investigated by OIG, these cases require coordination between OSP and OIG, and communication to the parties involved has not been streamlined. For example, OSP coordinators aim to initiate contact with all reporting parties the same day a report is received regardless of how OSP receives the report (*i.e.*, through hotline, Aspen, referral, etc.). Conversely, for reports that come in through any avenue other than the hotline, OIG does not initiate contact with the accused until an investigator has been assigned and begins investigating the case, which can occur the same day OIG receives a report but in some cases can take several days. Likewise, while OSP sends Title IX notification letters immediately after initiating an investigation, OIG sends these letters in batches once a week. And generally, the shorter timeframe in which OSP completes its investigations prompts more frequent communication than occurs in the often more lengthy OIG investigations. Recognizing that OIG adult-to-student investigations are often more complex and therefore lengthier than OSP student-to-

student investigations, CPS should facilitate better communication throughout the duration of OIG investigations to ease the uncertainty for the parties involved.

We expect that the newly established removal procedures will facilitate more coordination between OSP and OIG and give OSP more ownership over communicating with schools about OIG investigations. Whether or not CPS decides to remove an employee from the school, OSP should implement a process to communicate with all relevant parties, including the reporting party, the subject of the investigation, and the school. OSP should review OIG's "status of investigations" list regularly to ensure that appropriate communication is occurring in all cases so that the parties involved understand CPS' response to the allegations at issue.

D. Employee Discipline

After an investigation into allegations of sexual misconduct against a CPS employee has concluded, CPS determines whether discipline is warranted. The CPS Law Department's Employee Discipline Unit handles dismissal proceedings. The process for dismissal varies by employee category because of contractual terms and due process requirements:

- ▶ The CPS CEO may dismiss probationary employees in non-teaching positions by letter without a hearing or Board approval;
- ▶ CPS may dismiss probationary appointed (non-tenured) teachers after an investigatory conference in the Office of Employee Engagement, if the CEO recommends dismissal and the Board approves;
- ▶ CPS may dismiss non-teachers who have completed their probationary period after an evidentiary hearing in the Office of Employee Engagement, if the CEO recommends dismissal and the Board approves (the employee's union may contest a dismissal decision in grievance-arbitration); and
- ▶ CPS may dismiss tenured teachers after an evidentiary hearing before an Illinois State Board of Education Hearing Officer. The tenured teacher may appeal a dismissal determination to the Illinois Appellate Court.

Dismissal hearings based on sexual misconduct are particularly challenging for a number of reasons. As with any dismissal hearing, employees have due process rights that must be respected. But when a student's testimony is required, CPS must ensure that the student is not further traumatized by testifying and that parental consent is acquired. Depending on the age of the student, children can also be challenging witnesses, which can be exacerbated when the general nature of

the allegations lends itself to a strenuous defense, which can include cross-examination of the child’s credibility.¹¹⁶

As referenced above, CPS has limited influence over removing a license from a CPS teacher. Instead, CPS is required to notify ISBE when there is reasonable cause to believe that a licensed employee has committed an intentional act of abuse or neglect of a child and the action caused the licensed employee to resign or be dismissed.¹¹⁷ ISBE generally puts license proceedings on hold during disciplinary proceedings. Further, even though Senate Bill 0456 now gives ISBE authority to temporarily suspend a license when a license holder has been criminally charged, ISBE still cannot revoke a license until the holder has been criminally convicted. For this reason, ISBE has started to offer license holders the option to voluntarily surrender their license. Once ISBE has removed a license, ISBE notifies all districts throughout Illinois to prevent districts from unknowingly hiring the person in a different capacity.

As we noted in our Preliminary Report, CPS must enforce its policies and procedures for employee discipline. The discipline, however, should be proportionate to the offense. Since many policies and procedures focus on preventing *opportunities* for sexual misconduct—rather than on actual sexual contact—policies and procedures will necessarily govern conduct that is not inherently sexual.¹¹⁸ As we recommended in our Preliminary Report, CPS has begun logging and analyzing data from all reports of inappropriate conduct so that it can consider all relevant circumstances when making decisions about disciplinary measures.

Since our Preliminary Report, the Employee Discipline Unit’s case load regarding sexual misconduct has increased dramatically: from October 2016 through September 2017, there were just over 60 cases regarding sexual misconduct; from October 2017 through September 2018, there were just over 40 cases regarding sexual misconduct; and from October 2018 through the date of this report, there have been over 270 cases regarding sexual misconduct. The increase in reports, investi-

¹¹⁶ Newly enacted 105 ILCS 5/34-85(a)(5.5) requires alternative hearing procedures to protect a witness who is a student or who is under the age of 18 from being intimidated or traumatized in proceedings involving sexual or severe physical abuse. These alternative hearing procedures “may include, but are not limited to: (i) testimony made via a telecommunication device in a location other than the hearing room and outside the physical presence of the teacher or principal and other hearing participants, (ii) testimony outside the physical presence of the teacher or principal, or (iii) non-public testimony.” Cross-examination of the witness is still permitted, but “all questions must exclude evidence of the witness’ sexual behavior or predisposition, unless the evidence is offered to prove that someone other than the teacher subject to the dismissal hearing engaged in the charge at issue.”

¹¹⁷ See Section I (Prevention), above.

¹¹⁸ An adult giving a child a ride home, for example, is not sexual, but without policies and procedures that govern this activity, a would-be offender could have extensive opportunities to harm children.

gations, and prosecutions is an expected result of an improving system and culture, as misconduct that previously went unidentified begins to be systematically identified and addressed.

Nonetheless, most of these cases have yet to reach an outcome or a disciplinary hearing stage. As of August 2019, OIG had substantiated allegations against over 50 CPS-affiliated adults and had found allegations against over 100 CPS-affiliated adults unfounded. Of the substantiated allegations, CPS is actively seeking dismissal of over 20 employees, and eight others have resigned. However, it is too early to reach any conclusion regarding what these numbers truly reflect. As these cases reach outcomes, we reiterate our recommendation that CPS log the reasons why employees did or did not receive discipline.

In the meantime, CPS should continue to monitor the resource needs of the Employee Discipline Unit to ensure that all cases—regarding sexual misconduct or otherwise—receive the attention they deserve. The Employee Discipline Unit has nine attorneys, an increase of two attorneys from last year, who handle all employee discipline proceedings. Despite additional attorneys, however, the average case load, per attorney, has still increased. Reaching fair outcomes as efficiently as possible is in the best interest of all parties involved and raises confidence in the disciplinary process throughout the CPS community. Given the reality of limited resources, however, CPS should ensure that the most serious cases receive priority. In some instances, cases that are categorized under sexual misconduct may be less serious than other types of misconduct, such as physical violence.

E. Follow-Up Response Recommendations

Over the past year, OSP has immensely improved CPS' response to allegations of sexual misconduct. Our ongoing recommendations build on the strong response infrastructure established by OSP.

First, we recommend that CPS begin monitoring the utilization of student support services. We believe many of OSP's plans, such as creating support guides and having field coordinators stationed throughout the district, will help achieve this difficult goal.

Second, we recommend that CPS develop a communications protocol for sexual misconduct incidents and allegations in all OIG cases. OIG's cases require coordination between OSP and OIG, which is still a work in progress. Given the potential severity of OIG investigations, it is imperative that CPS develop a consistent method of quickly notifying and offering student services to affected members of the CPS community.

Finally, we recommend that CPS continue to monitor employee discipline to ensure that discipline is proportionate to the offenses. While it is still too early to

reach conclusions regarding the successes and challenges regarding the influx of sexual misconduct cases and how they are handled, CPS should aim to monitor the results and make any necessary adjustment to the process.

Recommendations for Specific CPS Populations

VII. Specific Populations

KEY IMPROVEMENTS

- Implemented a centralized eligibility screening process for all coaches and required that all coaches receive annual background checks.
- Implemented a centralized hiring pool for security officers and administered security-specific sexual misconduct training to all security officers.

FOLLOW-UP RECOMMENDATIONS

- Consider a requirement that all coaches, including volunteer coaches, who are not full-time CPS employees have at least three years of post-high school work experience before coaching at the high school level.
- Provide effective means for coaches to communicate with their teams without violating the Acceptable Use Policy.
- Facilitate student transportation to and from athletic events in a manner that complies with the Student Travel Policy.
- Train coaches and student athletes to prevent, identify, report, and respond to sexual misconduct.
- Monitor incidents and allegations of sexual misconduct involving security officers, and evaluate the efficacy of security officer training.
- Require pre-employment training for Special Education Classroom Assistants, including training on how to maintain appropriate boundaries when working with students with different types of disabilities.
- Adapt Sexual Health Education curriculum for diverse learners.
- Implement specialized procedures for investigating and responding to complaints of sexual misconduct involving diverse learners.
- Monitor compliance with and efficacy of safety plans for students with a history of sexual misconduct.

In this section, we focus on CPS populations that exhibit particular vulnerabilities relating to sexual misconduct. These groups warrant particular consideration for several reasons: some were highlighted in the *Betrayed* series, some have high rates of sexual misconduct complaints, and others were frequently mentioned as sources of concern for the CPS personnel we interviewed. Specifically, we discuss

athletics, diverse learners, students with a history of sexual misconduct, and security officers. We highlight athletics and diverse learners because these populations may be disproportionately represented as both the victims of sexual misconduct and the subjects of sexual misconduct complaints. We highlight security officers and students with a history of sexual misconduct because these populations may be disproportionately represented as the subjects of sexual misconduct complaints.

While this section contains recommendations for each of these populations, we must emphasize that we cannot precisely prescribe how CPS should address the nuances involved with each of these groups. CPS must consult internal and external experts to appropriately confront sexual misconduct in these populations. We also emphasize that there may be other groups within CPS that warrant particular attention, and we recommend that CPS continually examine whether to implement protective measures tailored to other subsets of students and/or adults.

A. Athletics

As part of our follow-up evaluation, we interviewed nearly the entire staff of CPS' Office of Sports Administration, as well as 12 principals and 10 athletic directors from representative high schools across the district. The purpose of these interviews was to understand how CPS' athletic programs operate, in general, and, more specifically, to assess how CPS' policies and procedures to prevent sexual misconduct can be tailored to protect student athletes.

Virtually everyone we interviewed agreed with the central premise that the relationship between and among coaches and student athletes can cause particular concerns regarding sexual misconduct. Coaches and student athletes spend a significant amount of time together outside of school hours and off school premises. By design, coaches and athletes often develop close personal bonds to encourage team performance and comradery. In most instances, these bonds are positive and desirable, but CPS must ensure that coaches and students maintain appropriate boundaries. It further must prevent bad actors from taking advantage of this unique relationship.¹¹⁹

We have four categories of recommendations to help CPS achieve that goal: (1) enforcing policies to ensure that coaches and other adults who interact with athletes are competent, qualified, and well-intentioned; (2) providing options to facilitate student transportation to and from athletic events in a manner that complies with the Student Travel Policy; (3) providing effective and efficient means for coaches to communicate with their teams without violating the Acceptable Use

¹¹⁹ While we focused on athletics, many other extracurricular activities (ROTC, debate, band, theater, robotics, etc.) pose similar issues and CPS should consider applying our recommendations to those activities as well.

Policy; and (4) training coaches and student athletes to prevent, identify, report, and respond to sexual misconduct.

1. Standards for Coaches

Most CPS coaches, at both the elementary and high school level, are teachers or staff who are full-time CPS employees. Principals prefer to fill coaching positions with people who already work in their building, but they have varying degrees of success in doing so. Most principals, especially at the high school level, hire at least a few coaches as miscellaneous hires, whose only responsibility is to coach a team. There is also a varying amount of reliance on volunteer coaches, with some schools having no volunteers and some actively recruiting volunteers to help coach certain teams.

Historically, the large number of miscellaneous hires and volunteers associated with certain sports teams, combined with a high turnover rate and a significant number of coaches who transferred from one school to another or worked at multiple schools, created at least the perception at many schools that the coaches were not accountable to the school. While CPS policy required coaches who were full-time or miscellaneous employees and all Level One volunteers to receive background checks, we found, as of our Preliminary Report, that not all principals followed this policy and that many individuals were allowed to associate with CPS athletic programs without having been approved as Level One volunteers. When refreshing background checks in the summer of 2018, CPS discovered that some volunteer coaches had never received a background check.

Also last summer, CPS required all athletic coaches to go through a centralized eligibility screening process before they were allowed to engage in any coaching activity. All adults involved with a team, including game day and practice volunteers, team managers, trainers, and former student athletes, are considered coaches and, therefore must complete an eligibility process that includes three parts: a background check, required state coaching certifications, and CPS' training on recognizing, preventing, and reporting sexual misconduct (*i.e.*, PCC 1.0 or PCC 2.0). This year, CPS announced that it will require coaches to receive a background check every year.

We believe that any adult who associates with CPS' student athletes in any capacity—full time or part time, paid employee or volunteer, head coach or assistant—should be required to submit to background checks and be accountable to the school's administration and CPS' Office of Sports Administration. CPS has taken appropriate steps in this regard, which, if properly implemented and enforced, should ensure that all coaches undergo the eligibility protocol.

Our remaining areas of concern relate primarily to “volunteers” who show up at practices or games purportedly to assist coaches or athletes. Paid coaches are accountable to CPS because they must complete their background checks and required training before they are paid their coaching stipend. Unpaid volunteer head coaches are known to the principal and to Sports Administration because they manage the team. However, other volunteer coaches may associate with a team without undergoing the required eligibility process. While CPS’ Volunteer Policy requires anyone serving in any “coaching capacity” to be approved as a Level One volunteer prior to being in proximity to students, we found a disparity among schools as to how this policy is understood and enforced.

Some principals interpret CPS’ policy, we believe correctly, to require that every adult who has access to student athletes, whether at practice or during games, be vetted as a Level One volunteer. Other principals believe, we think incorrectly, that CPS’ policy allows certain people to be approved as Level Two volunteers, including, for example, a recent alum who shows up at practice to help her former coach run drills or a parent who passes out water on the sidelines during a game. Regardless, many principals were not confident that coaches would turn away the recent alum, friend, or parent who offers help even if they had not obtained any kind of volunteer clearance. Likewise, many principals were not confident that the coaches would track time spent or limit the volunteer to non-coaching activities if the volunteer did not have Level One clearance.

Obviously, CPS’ Volunteer Policy is effective only to the extent it is enforced. While every principal we interviewed attempts to ensure that no unapproved adult gains access to any athletic event, no principal can personally attend every practice and every game. CPS should ensure that its principals, athletic directors, and coaches are routinely trained to enforce the Volunteer Policy and that everyone involved in CPS’ athletic programs, including student athletes and their parents or guardians, are made aware that unauthorized adults should not have access to the athletes or athletic facilities during practices and games.

Our final recommendation regarding volunteers is that CPS consider a requirement that all coaches, including volunteer coaches, who are not full-time employees of CPS have at least three years of post-high school work experience before they coach at the high school level. A recurring concern expressed by principals and athletic directors is that some recent graduates who volunteer to help their former coaches and teammates lack the maturity and distance necessary to maintain appropriate boundaries between themselves and their former teammates or other students. While there are many examples of recent graduates providing valuable coaching and mentoring to their former teammates, there are also several examples of recent graduates who maintained or initiated sexual relationships with minor students while they were serving in coaching positions.

We believe that the risks of allowing a recent graduate to serve as a coach outweigh any potential benefits. However, if CPS decides to assess the risks and benefits on an individualized basis, it could, for example, implement a special vetting process for recent graduate coaches or require principals to submit a written justification for recent graduate coaches to the Compliance Officer of the Office of Sports Administration.

2. Transportation

CPS must also provide better transportation options for its athletic teams. While it is beyond the scope of this report to recommend specific solutions to CPS' transportation problems, it is clear that CPS does not currently provide adequate transportation options for its athletic teams and that its failure to do so is putting students at risk and coaches and school administrators in difficult situations.

CPS high schools rely primarily on bus vendors to transport their sports teams to and from games and meets. All of the principals and athletic directors that we interviewed complained about the high cost, unavailability, and unreliability of the bus transportation options available to them. Principals uniformly lamented the huge sums of money that they pay bus vendors to transport their teams, often only a few miles to a nearby school. A common joke among athletic directors is that they should quit their jobs and buy a minibus to service their school's sports teams. All agree that the root of the problem is that CPS' bus vendors are required to make after-school runs for elementary school students during the same time period that most high school sporting events occur. Many high schools effectively have only one bus vendor available to them for after-school athletics, and complaints of late or no-show buses are rampant.

As a result, coaches, athletic directors, and principals are often faced with a last-minute decision between forfeiting a game and scrambling to find alternative transportation for their teams. It is clear that, under such circumstances, violations of the Student Travel Policy are common. When asked how often coaches resort to transporting students in their private vehicles, principals' answers ranged from "it happens all the time" to "I couldn't begin to guess." Several principals maintained that coaches know not to use their personal vehicles and, instead, have students carpool amongst themselves or use a rideshare service or public transportation. While those alternatives may be preferable to the use of a coach's private vehicle, they each pose a separate set of risks, which are magnified if the students are not accompanied by a coach or chaperone.

Coaches also face difficult decisions after sporting events, when the team returns to the school. Teams often return to the school after dark (a problem that is compounded when late buses or last-minute scheduling changes cause events to start late), and some student athletes have no way to get home other than to walk

through potentially unsafe areas. The Student Travel Policy exists to avoid the situation of a student being alone in a car with an adult, at night, especially on a repeated basis. Yet well-intentioned coaches should not be forced to choose between violating the Student Travel Policy by giving a student a ride home and making the student embark alone on a dangerous walk. CPS should work to avoid these situations by doing everything within its power to maximize on-time arrivals back at the school. CPS should also ensure that coaches obtain a plan from every athlete's parent or guardian as to how the athlete will get home from school after sporting events, and have every school establish a contingency plan that sets forth appropriate steps for a coach to take when unexpected events strand a student in a potentially unsafe situation. The contingency plan could allow the school to provide a taxi or rideshare or allow the use of a private vehicle as long as the coach documents the circumstances in an incident report so that there is a record of the nature and frequency of the rides provided.

3. Team Communications

Principals and athletic directors generally understand that coaches and administrators should not communicate with students via personal texts or phone calls, but they expressed frustration that CPS has been slow to approve effective alternatives to texting, especially for sports teams and other groups of students. Given the lack of approved alternatives, coaches and athletic directors have turned to a host of different options, including group texts and applications such as UpActive, Team App, TeamSnap, Remind, and Sportsengine that have various functions targeted at sports teams. These apps vary, and some do not preclude or record individual texts between coaches and students. As stated above, we urge CPS to expedite its approval process and, in the absence of a single system-wide communication solution, provide better guidance to sports teams and other groups as to what applications are acceptable for group communications.

4. Training

While athletics poses particular concerns regarding sexual misconduct, it also presents CPS with additional opportunities to train coaches and students about appropriate conduct and proper boundaries. Coaches should be trained by principals and regional athletic directors to enforce and reiterate to their teams the standards of behavior that are expected of all coaches and athletes. Principals typically meet with all of the coaches in their school at least annually, and regional athletic directors meet with all coaches of every sport in advance of each season. These meetings should include discussions of policies and procedures that govern the coaches' conduct and behavior. CPS should also provide training to coaches as to how to convey their rules and expectations to their teams and how to foster a culture of respect among the coaches and athletes. We recommend that the Office of Sports Administration work with OSP to develop the content of such training,

ensure that all coaches receive it, and hold coaches accountable for communicating it to their teams.

B. Diverse Learners

CPS' Office of Diverse Learners Supports and Services (ODLSS) administers special education to qualifying CPS students consistent with federal and state regulations, including the Individuals with Disabilities Education Act (IDEA)¹²⁰ and Section 504 of the Rehabilitation Act.¹²¹ Under IDEA, children may qualify for special education and related services in 14 categories of disabilities:

- | | |
|----------------------------------|-----------------------------------|
| 1. Autism | 8. Multiple disabilities |
| 2. Deaf-blindness | 9. Orthopedic impairment |
| 3. Deafness | 10. Other health impairment |
| 4. Developmental delay (age 3–9) | 11. Specific learning disability |
| 5. Emotional disturbance | 12. Speech or language impairment |
| 6. Hearing impairment | 13. Traumatic brain injury |
| 7. Intellectual disability | 14. Visual impairment |

As required by law, CPS develops an Individualized Education Program (IEP) for every child who qualifies for special education under IDEA. An IEP must assess a child in all areas related to the child's disability, the child's present level of performance, annual goals, and supplementary aids and supports. It must also include a description of required services and placement.

For every child who qualifies for special education under Section 504, CPS must develop a 504 plan aimed at ensuring academic success and equal access to the learning environment. Because Section 504 is broader than IDEA, children may qualify for a 504 plan even if they do not qualify for an IEP. Examples of 504 Plan accommodations include preferential seating; extended time on tests and assignments; changes to class schedules, homework assignments, and grading; verbal, visual, or technology aids; and behavior management support. CPS currently has over 56,000 students with IEPs or 504 plans, with 14.1% of the total CPS population having an IEP.

To fulfill its responsibility for educating all students with quality, equity, and efficiency, CPS employs a multi-tiered system of supports for children receiving special

¹²⁰ 20 U.S.C. §1400 et seq.

¹²¹ 29 U.S.C. §701 et seq.

education services. Tier one is the universal instruction received by all students in the general education setting. Tier two involves targeted supplemental instruction and intervention provided in the general education setting. Tier three involves intensive individualized instruction and intervention that is provided in a small group setting. CPS refers to tier three small group settings as “cluster classrooms,” in which special education teachers adapt the district curriculum for students with moderate to severe cognitive disabilities. CPS limits cluster classroom size to 13 students and attempts to limit classroom size to 10 students when the students are severely and profoundly disabled.

1. Special Education Classroom Assistants

Cluster classroom teachers are assisted by Special Education Classroom Assistants (SECAs). CPS currently employs about 4,032 SECAs. CPS does not require SECAs to have specific special education qualifications or training – anyone with a high school degree and a paraprofessional license can apply to work as a SECA. According to the ODLSS Procedure Manual, SECAs are responsible for the following:

- ▶ Collecting qualitative and quantitative data on students’ performance as directed by the teacher;
- ▶ Under the direction of the teacher, implementing accommodations and modifications and other educational or behavioral strategies used in the classroom;
- ▶ Providing feedback to the teacher about accommodations/modifications and other educational or behavioral strategies used in the classroom;
- ▶ Observing students and sharing information with the teacher about student behaviors outside of the classroom;
- ▶ Assisting the special education and/or general education teacher in gathering documentation including assessment data, work samples, observations, and reports;
- ▶ Facilitating communication with linguistically and culturally diverse parents/guardians;
- ▶ Supporting students with disabilities in the general education curriculum with activities as directed by the teacher;
- ▶ Supporting students in the use of technology in the classroom;
- ▶ Collaborating and communicating with appropriate school personnel about the needs of students with disabilities;

- ▶ Employing techniques, interventions, modifications and accommodations to meet the individual needs of students with disabilities under the direction of licensed school personnel;
- ▶ Working with a variety of students who have diverse learning needs;
- ▶ Providing input to the teacher regarding students' response to strategies that have been used in instruction or behavior management;
- ▶ Maintaining and protecting students' right to confidentiality;
- ▶ Assisting with students' personal care needs (*e.g.*, toileting) as identified in the student's IEP; and
- ▶ Documenting service delivery.

Although not specifically included in CPS' list of SECA responsibilities, we understand that SECAs also manage challenging, disruptive, and sometimes dangerous student behaviors and, in doing so, protect other members of the classroom and school community. A student in a cluster classroom may qualify for one-on-one SECA support if the student needs medical/personal support, academic support, or behavioral support.

CPS currently does not provide any training or instruction to SECAs before they start working as SECAs. We learned during our evaluation that, not surprisingly, SECAs are used most effectively when they work closely with special education teachers and least effectively when they do not.

Because SECAs have significant one-on-one interactions with some of CPS' most vulnerable students and because SECAs are the subjects of a disproportionate number of OIG investigations, we make recommendations specific to their training and utilization. We recommend that CPS require training for all SECAs that they must complete before they start working at CPS. This training should cover a range of topics regarding working with special education students, including appropriate boundaries and prevention of sexual misconduct. We recognize that SECAs sometimes must provide personalized assistance with toileting, mobility, lifting, dressing, and other daily living skills. The training should account for these types of services and provide thoughtful and nuanced guidance on how SECAs can comply with CPS' policies on appropriate boundaries while providing this type of personalized care.

Through our evaluation, we also learned that SECAs and special education teachers do not always comply with IEP, 504 plan, and safety plan requirements. For example, some plans require that a student be supervised at all times, including in bathrooms and locker rooms. We recommend that CPS monitor and enforce these

legal requirements. We recognize that it can be challenging to comply with these requirements when there are limited resources, when there are insufficient SECAs assigned to a classroom, or when a SECA is absent. But because these requirements are important and these students are vulnerable, CPS should do its best to overcome these resource constraints and comply consistently with IEP, 504 plan, and safety plan requirements.

We also learned that principals occasionally use SECAs to perform administrative functions, such as managing report card pick-up days, and that these tasks may preclude SECAs from attending trainings offered by ODLSS on professional development days. CPS must discontinue this practice and encourage SECAs to attend all relevant trainings on their professional development days.

2. Sexual Education Instruction

As discussed above, CPS has overhauled its sexual education curriculum to address consent and sexual abuse; however, CPS has not yet adapted this curriculum for diverse learners or provided guidance to schools or special education teachers on how to do so. We understand that in some schools students receiving tier three special education services will receive sexual education instruction in general population classes, such as health or physical education, while others will receive it in their cluster classes. Regardless, CPS must ensure that diverse learners receive developmentally appropriate instruction on consent and sexual abuse, especially since children with disabilities are particularly vulnerable to sexual abuse.¹²²

We recommend that CPS adapt the sexual education curriculum for students with disabilities. This effort will require coordination between ODLSS and the Office of Student Health and Wellness. Given the range of disabilities that students in the CPS student population represent, we recognize that CPS will not be able to create one standard curriculum adaptation, nor do we recommend that approach. Rather, we recommend that CPS consult internal and external experts to develop guidance and training for special education teachers to adapt the curriculum to the specific needs of the students in their classroom.¹²³ Given the difficulty of adapting the curriculum, we recommend that all students in cluster classrooms receive instruction on consent and sexual abuse from their special education teacher rather than a general education teacher. Therefore, just as CPS requires all general sexual education teachers to attend a training session, we recommend

¹²² See I.B. Wissink, Eveline Stefanie Van Vugt, Xavier M H Moonen, Geert Jan Stams, Jan Hendricks, *Sexual Abuse involving children with an intellectual disability(ID): A narrative review*, 36 RESEARCH IN DEVELOPMENTAL DISABILITIES, 20–35 (January 2015), available at <https://www.sciencedirect.com/science/article/abs/pii/S0891422214003977?via%3Dihub>.

¹²³ Various external experts can be found online. See, e.g., *Sexuality Education for Students with Disabilities*, CENTER FOR PARENT INFORMATION & RESOURCES (October 30, 2018), available at <https://www.parentcenterhub.org/sexed/>.

that CPS require all special education teachers to complete training on sexual education for children with cognitive and other disabilities.

3. Sexualized Behavior Intervention

Specialized behavior intervention techniques can help schools manage diverse learners whose disability causes them to exhibit sexualized behavior. ODLSS has a department dedicated to specialized behavior support and strategy. This team responds to requests from teachers and principals for behavioral support in schools throughout the district. Many of these requests involve students' sexualized behavior. When responding to a school request, a behavior support specialist typically performs a functional behavior assessment (FBA), which is a process that identifies specific target behavior, the purpose of the behavior, and what factors maintain the behavior that is interfering with the student's educational progress. After conducting this analysis, the specialists will write a behavioral intervention plan (BIP). The FBA and BIP are aimed at ascertaining the purpose or reason for behaviors displayed by students with cognitive or communication disabilities and developing behavior change plans to help students display more appropriate behavior. For example, an FBA may conclude that a student displays sexualized behavior to communicate an emotion or message, and a BIP can encourage that student to find more appropriate ways to communicate that emotion or message.

Currently, the ODLSS behavior support team does not have the capacity to respond to every incident of sexualized behavior. We therefore urge CPS to devote the necessary resources to conduct FBAs and write BIPs for all reported incidents of sexualized behavior in special education classrooms. We emphasize that performing an FBA and writing a BIP does not substitute for reporting sexualized behavior to OSP and other agencies when required. Instead, these techniques will augment the interim and long-term supports provided by OSP in cases involving students with disabilities. Successfully supporting students with disabilities who exhibit sexualized behavior will require coordination and collaboration between OSP and ODLSS.

4. Coordination Between OSP/OIG and ODLSS

We also recommend that CPS account for the needs of diverse learners in its investigations of sexual misconduct allegations involving these students. Standard investigative practices may not be appropriate in cases involving certain diverse learners. For example, OSP and OIG typically ask open-ended questions during their investigations; however, these questions may not elicit accurate or useful responses from students with certain disabilities. Instead, some students with disabilities may respond better to questions containing several choices. CPS should also consider how it issues outcome determinations in cases where sexualized behavior is a manifestation of a student's disability. In these cases, an affirmative finding of sexual misconduct may not appropriately reflect the nature of the student's disability and how that disability impacts the student's behavior.

Additionally, CPS must employ appropriate responsive measures, like student discipline and support services, for diverse learners. Just as with investigation outcome determinations, student discipline should account for incidents where sexualized behavior is a manifestation of a student’s disability. OSP should also cultivate support services and resources tailored to students with disabilities.

We emphasize that every diverse learner has different needs and that every case involving a diverse learner will have different considerations. For example, the needs of a student with a severe cognitive disability may differ from the needs of a student with autism. For this reason, we recommend that all investigators handling cases involving diverse learners receive specialized training. This training should include instruction on interpreting IEPs and 504 plans and on interacting with students with various disabilities, especially severe cognitive disabilities. OSP should consult with ODLSS to implement this training. We also recommend increased coordination between OSP and ODLSS for all aspects of cases involving diverse learners. CPS could accomplish this coordination by designating a liaison within OSP or within ODLSS who is qualified to manage cases involving diverse learners.

C. Students with a History of Committing Sexual Misconduct

As we observed in our Preliminary Report, schools must balance the public interest in protecting children from students with a record of sexual misconduct with the public interest in rehabilitating those children. Unlike its ability to exclude adults from its schools, CPS cannot refuse to educate students with a history of sexual misconduct. As a result, CPS has had, and will continue to have, students attending schools who have broken laws or victimized others. CPS is in the difficult position of balancing the best interests of these students with the safety of other children. Our follow-up evaluation did not yield simple solutions, especially given federal and state legislative constraints, but we encourage CPS, and the community at large, to continue considering how to best strike this balance. We note some of the ongoing challenges here.

Students with serious behavioral issues—including those involving sexual misconduct—have privacy rights and are entitled to a public education. Many federal and state laws govern the confidentiality of student records, including the Family Educational Rights and Privacy Act (FERPA), the Illinois School Student Records Act (ISSRA), and the Individuals with Disabilities Education Act (IDEA).¹²⁴ CPS also cannot refuse to educate a student who fails to present a permanent or temporary

¹²⁴ According to CPS policy, “The CPD will notify CPS only of students who have been arrested or charged by the CPD for: (1) unlawful use of weapons (720 ILCS 5/24-1); (2) violation of the Illinois Controlled Substances Act (720 ILCS 570/100 *et seq.*); (3) violation of the Cannabis Control Act (720 ILCS 550/1 *et seq.*); or (4), forcible felonies as defined in Section 2-8 of the Illinois Criminal Code (720 ILCS 5/2-8), which are listed as ‘treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal

record from a previous school.¹²⁵ CPS may not be aware that a student has a juvenile delinquency adjudication or know the circumstances of the offense.¹²⁶ As a result, CPS may not know whether to take special preventative measures with a particular child when that child enters CPS.¹²⁷

If CPS becomes aware that a student has a history of committing sexual misconduct, CPS may institute a Safety Plan to provide the student with an education, while also taking measures to protect other students. CPS Student Safety Plans provide special supervision to particular students. The Plans should include specific interventions to target dangerous or potentially dangerous behavior. Ideally, the school, the student, the student's parents or guardians, and sometimes the Office of Safety and Security collaborate to create Student Safety Plans. These plans are revised, at least every quarter, to update all involved parties with the student's progress. The plan should then be shared with any adult in the school who has an active role in the student's education, including substitute teachers.

CPS provides principals with a sample Student Safety Plan for "*Sexualized Behaviors*." For students with sexual behavior problems, based on the severity and type of behaviors, these plans can include steps to ensure the following:

- ▶ The student sits alone on the bus near the bus driver, is escorted by an adult, and uses specified bathrooms;
- ▶ The student is separated from any identified victim(s) at bus stops, on buses, in classes, or during sports—with the victim(s) having the first choice of classes and sports;
- ▶ An assigned adult escorts the student to and from classes;
- ▶ The student has scheduled check-ins and check-outs with a specified adult at the school; and
- ▶ The student is prohibited from participating in certain events, being in specific locations, and receiving specific privileges, like school dances, on-site daycare centers, or from being near students in special education classes, or students who are three or more years younger.

sexual assault, robbery, burglary, residential burglary, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily and/or permanent disability or disfigurement, and any other felony which involves the use or threat of physical force or violence against any individual." CPS Policy Manual § 705.1 (Reciprocal Records Agreement Between CPS and the Chicago Police Department) (adopted December 17, 1997).

¹²⁵ See 105 ILCS 10/8.1(a) (Illinois School Student Records Act).

¹²⁶ See 705 ILCS 405/1-8(f) (Juvenile Court Act).

¹²⁷ If a student shows up without school records, CPS must still enroll that student before obtaining their records. See 105 ILCS 10/8.1(a).

Student Safety Plans may also specify penalties for non-compliance. A sample Student Safety Plan includes the following language for adults who are responsible for ensuring the plan is followed, which, among other things, emphasizes confidentiality:

The confidentiality of this contract is crucial. Each participant agrees that s/he will not disclose the nature of the student's adjudication of delinquency or the terms of this contract to any other person. A violation of the confidentiality of this contract is cause for discharge under the Chicago Board of Education's Employee Discipline Code. Each participant also agrees that s/he will make every effort to ensure that students who are affected by this contract are not stigmatized. . . . All participants are aware that an overly restrictive safety contract may be detrimental by creating a negative self-fulfilling prophecy that could increase risk. Participants have reviewed the results of a current sex offense specific evaluation/risk assessment to ensure that the appropriate level of supervision has been implemented for the student's level of risk.

In interviews during our evaluation, CPS principals had mixed reviews as to the effectiveness of Student Safety Plans in correctly balancing the interests of students.

We note here that balancing the public interest in protecting children from students with a record of sexual misconduct with the public interest in rehabilitating those children is a question not only for CPS but also for the community at large. Current laws may appropriately balance those interests, or they may not. It may be in the best interest of many school communities if, for example, Illinois law were to make information about students who have been convicted of sex crimes more available to school principals and employees, but these choices are largely outside of CPS' control. We also note that the students who need extra attention, such as detailed Student Safety Plans, are not evenly distributed across schools or grades. Some schools may need additional resources and assistance to manage students effectively. For this reason, we recommend that CPS monitor school compliance with safety plans for students with sexualized behavior, so that it can allocate resources effectively.

D. Security Officers

In this section we highlight CPS security officers because they are the subjects of a disproportionate number of sexual misconduct complaints. CPS employs several categories of security officers: full-time and part-time in-school security officers; "flex" officers who serve as substitutes; city-wide "climate" officers who are dispatched to schools on an as-needed basis; and "crowd control specialist" officers who work at school and district events. Security officers fall under the purview of

the Safety and Security Department. In recent years, CPS has recognized the need to better train and monitor school security officers. To that end, last year CPS instituted a specialized training for security officers that supplemented the PCC 1.0 training and focused primarily on mandatory reporting obligations.

The statistics reported by OIG this year highlight the continuing need to focus on training and monitoring security officers. 3.94% of all security officers had complaints levied against them, the highest of any category of CPS-affiliated adult. The majority of these complaints involved allegations of “creepy” or “leering” behavior.

Recognizing the need for further training and oversight, CPS is in the process of instituting a centralized hiring process for security officers. As opposed to the current hiring process, where each principal is responsible for selecting and hiring their own security officers, the new process will create a centralized pool of security officer candidates whom CPS has determined are eligible to work in CPS schools. All candidates in the centralized eligibility pool will be required to have at least three years of security experience and will be evaluated based on a detailed rubric of security-specific qualifications. As of September 16, 2019, principals were required to hire all new security officers through the centralized eligibility pool. CPS created a webinar to train principals on the new hiring process.

OSP and Safety and Security have also collaborated to create a detailed and robust sexual misconduct training for security officers. The four-hour training was administered this summer as a train-the-trainer model, with OSP and Safety and Security training the 12 safety managers to train their teams of security officers. The training—which all security officers must complete—addresses appropriate boundaries more explicitly than last year’s training, using illustrative examples from actual incidents and interactive activities to help security officers understand and apply what they are learning.

As with many of our recommendations in this report, we encourage CPS to monitor compliance with its new security officer hiring process and evaluate the efficacy of the new security officer training. These new safeguards demonstrate CPS’ commitment to addressing the high incident rates among security officers, and CPS must ensure that these mechanisms are effectively addressing the issue.

E. Ongoing Vigilance

Of course, the populations highlighted in this section do not represent all of the groups warranting particular attention. We encourage CPS to listen to concerns and feedback from internal and external stakeholders about other potentially vulnerable populations. CPS must continuously assess whether it is adequately protecting all CPS students in all CPS schools.

Conclusion

We conclude this report by commending CPS for the vast improvements that it has made to its infrastructure for addressing sexual misconduct in the last year. CPS has implemented many of our recommendations and made significant progress toward protecting its students from sexual misconduct. CPS could not have accomplished all of our recommendations in one year, and we have noted instances when unforeseen issues prevented CPS from meeting our recommendations, when CPS identified alternative approaches, and when CPS went further than our recommendations. Throughout this report, we have also provided follow-up recommendations.

While CPS has come a long way, there is more work to be done. To truly ensure student safety, CPS must remain diligent and preempt the dangers facing Chicago's students. CPS must continue to prioritize student safety above all else. To that end, CEO Dr. Janice Jackson has reiterated to us CPS' ongoing commitment to student safety:

I made a commitment last year to ensure that students are safe in our schools and have no barriers to accessing our educational programs. From building the Office of Student Protections and Title IX, to re-checking the backgrounds of all adults in our schools, establishing our first Student Bill of Rights, and retraining our staff to identify and address abuse — we've worked to transform the culture in our district to one that more effectively protects students and helps them heal. I know there is more to do — there will always be more to do to ensure that our learning environments are safe and accessible to all our students — and CPS is committed to continually building on what we've done to ensure every child in Chicago can learn and grow in a school district that is safe and supportive.

CPS' improvements will endure only if CPS creates controls, failsafes, and supportive culture at all levels—from each individual school to the network offices, the Central Office, and the Chicago Board of Education. When we started our preliminary evaluation, we intended to provide recommendations that, if followed, would make CPS a national example for other primary and secondary school districts protecting all CPS students from sexual misconduct. In many ways, we believe that CPS has already made great strides in that direction. We are confident that CPS will continue in that direction by employing our recommendations, regularly reexamining and reinforcing its policies and procedures, and devoting the resources necessary to continue its momentum toward creating a district-wide culture that prevents sexual misconduct.