

# CHICAGO PUBLIC SCHOOLS

## STUDENT SPECIFIC CORRECTIVE ACTION PROCEDURES

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### OVERVIEW

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

To efficiently and effectively identify students with disabilities who may have been adversely impacted by the specified procedures, the District used data from the electronic IEP system (SSM). These students will be offered a Universal Enrichment Remedy (UER) without an SSCA meeting and without a detailed analysis of whether the student was adversely impacted.

If the parent/guardian of a student identified by the District for a UER would like an SSCA meeting to discuss remedies beyond the UER, they may request such a meeting. Other parents/guardians, whose student was not identified for a UER, may also request an SSCA meeting by emailing [ssca@cps.edu](mailto:ssca@cps.edu) or calling 773-553-1843. During the SSCA meeting, two questions will be discussed and determined:

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

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**SSCA UNIVERSAL ENRICHMENT REMEDY TELEPHONE CALL**

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1. CPS has identified students for whom a Universal Enrichment Remedy (UER) will be offered without asking whether a delay/denial of special education services occurred in one of the SSCA areas and years or whether the student made expected progress. While typically a parent/guardian is entitled to compensatory services only after establishing a delay or denial of services that caused a lack of expected progress, a UER is being offered to identified students to streamline the SSCA process and deliver services to students who may have been impacted by the violations identified in the ISBE Public Inquiry Report. Students were identified for a UER based on the following criteria:

<b>Area</b>	<b>Criteria</b>
<b>Extended School Year</b>	The student had ESY on their 2015-16 IEP but did not have ESY on the last finalized IEP in the 2016-17 and/or 2017-18 school year(s).
<b>Transportation</b>	The student had transportation on their 2015-16 IEP but the service was not on the 2016-17 and/or 2017-18 IEP(s) and the student was not enrolled in his/her neighborhood school.
<b>Paraprofessional</b>	The student had paraprofessional support on their 2015-16 IEP but the service was not on the 2016-17 and/or 2017-18 IEP(s).  OR  The student's record includes a paraprofessional justification form that was left in draft during the 2016-17 and/or 2017-18 school year(s).
<b>Specific Learning Disability</b>	The student's record includes a Learning Environment Intervention's (LEI) or Learning Environment Screening (LES) that was left in draft during the 2016-17 and/or 2017-18 school year(s).
<b>Budget</b>	The student's name or ID number was listed in a school's budget appeal requesting an individual paraprofessional.

2. The amount of the remedy is based on the area identified by CPS in which the student was potentially impacted. If a student is identified by CPS as potentially impacted in more than one area or year, the amounts will be added together, up to a maximum of \$4000.00 per school year.

<b>CPS Identified Area</b>	<b>Remedy (per year)</b>
Extended School Year (ESY)	\$800.00
Transportation Student attended school	\$500

Transportation Student missed 10 or more consecutive days due to a lack of transportation	\$337.50
Paraprofessional	\$2,000.00
Specific Learning Disability (SLD)	\$4,000.00
Budget	\$2,000

3. The District or its agent will notify these students' parents/guardians via U.S. mail and email to inform them of their eligibility for a UER. The notification will include the area(s) and years(s) in which the student was identified to receive a remedy as well as the total amount offered.
4. If a parent/guardian believes the UER is inadequate to meet their student's needs or that their student was impacted in another area or year identified in the ISBE Public Inquiry Report, the parent should request an SSCA meeting.
  - **NOTE:** The SSCA areas and years include:
    - Delays and denials of the following IEP components due to special education procedural changes (restrictions in SSM and oversight requirements) in the 2016-17 and 2017-18 school years:
      - transportation,
      - extended school year,
      - paraprofessional,
      - identification as a student with a specific learning disability, and
      - placement in a therapeutic day school.
    - Delays or denials of paraprofessional or special education teacher support due to the position funding and budget appeals processes in the 2016-17 and 2017-18 school years.
5. The notification will ask parents/guardians to confirm their mailing address. **Parents/guardians must follow the instructions to confirm their mailing address by January 31, 2022 in order to receive their remedy.** Alternative arrangements will be made for parents/guardians in temporary living situations.
6. **The notification will also include a waiver of claims, which the parent/guardian must sign and return by January 31, 2022 in order to receive their remedy.** The waiver will cover all issues and years that fall within SSCA. If the parent/guardian is not in agreement with remedy offered, they should request an SSCA meeting rather than signing the waiver. The parent/guardian will not lose

their UER offer by requesting an SSCA meeting to explore whether the student is entitled to additional remedies.

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## SSCA MEETING

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### 1. Eligibility for an SSCA Meeting

SSCA meetings will be held for the following students. **Requests for SSCA meetings must be made before January 31, 2022.**

- A. Students who are offered a UER and whose parents/guardians request an SSCA meeting. These students will not lose the UER originally offered, even if the SSCA analysis results in a determination of no denial/delay and/or that the student made expected progress.
- B. All other students upon parent/guardian/student request, based on the following criteria:
  - Prior to scheduling an SSCA meeting, CPS will verify that the student was enrolled and attended a CPS school, which includes a therapeutic day school placement by CPS via the student's IEP, during the 2016-17 and/or 2017-18 school year(s).
  - CPS will also verify that the student has not already waived his/her claims as a result of a due process hearing order, settlement agreement, and/or mediation agreement.
  - For requests related to the budget appeal process, CPS will verify that the student has not already received a compensatory education meeting addressing the same issue. CPS will also verify that the student attended a school that submitted a budget appeal related to a paraprofessional or special education teacher position in the 2016-17 or 2017-18 school year, and that the student had that service on his/her IEP at that time. If the student does not meet the criteria for an SSCA meeting related to the budget appeal process, an SSCA meeting related to other SSCA issues may still be held if requested.

If the student meets the criteria above, an SSCA meeting will be scheduled. If an SSCA meeting is denied, CPS will provide the parent/guardian with written notification.

### 2. The SSCA Team and Preparing for the SSCA Meeting

- A. The SSCA Team will consist of a special education teacher, a general education teacher, and the parent/guardian. A case manager may also be in attendance. The special education and general education teachers will be hired by CPS to participate in SSCA meetings. Neither they nor the case manager will be current members of the individual student's IEP team.
  - Additionally, a member of the ISBE Monitoring Team and a District Representative may observe or participate in any SSCA meeting.
- B. Parents/Guardians can request an SSCA meeting by emailing SSCA@cps.edu. In the email, the parent/guardian should, to the best of their ability, identify which of the SSCA area(s) and school year(s) they believe their student was impacted. If the parent/guardian does not identify

a relevant area and/or school year, a representative from the SSCA Team will follow up with the parent/guardian to clarify the relevant information before a meeting is scheduled.

- C. The SSCA Team will gather qualitative and quantitative data from the 2016-17 and/or 2017-18 school year(s) and any other relevant school years to enable the SSCA team to determine whether a delay/denial occurred and whether the student made expected progress in light of their unique circumstances. (\*See charts on pages 9-11 for details.)
- School staff are expected to cooperate with the SSCA Team and respond to all inquiries in a timely manner.
  - The parent/guardian should bring any relevant documents to the SSCA meeting that will help the SSCA Team make the SSCA decision. Such information could include communication between the parent and school, documentation of private services provided, or other information the parent believes would be helpful to the team.
- D. The SSCA Team will send the *Parent/Guardian Notification of Conference* to parents/guardians at least five calendar days prior to the meeting unless the parent/guardian has agreed to a meeting date with less notice. The Notification will indicate SSCA as the purpose of the meeting and specify which SSCA area(s) and school year(s) will be discussed. The Notification will inform the parent/guardian that they can participate via telephone or video conferencing. The Notification will also identify the data that the SSCA Team has gathered to be discussed at the SSCA meeting.
- E. If the parent/guardian does not appear (either virtually or in-person) for the SSCA meeting, the meeting cannot proceed. A second *Parent/Guardian Notification of Conference* form will be sent home with at least five calendar days' notice of the rescheduled SSCA meeting. If the parent/guardian does not appear for the second scheduled SSCA meeting, the meeting cannot proceed, and a third *Parent/Guardian Notification of Conference* form will be sent home with at least five calendar days' notice of the rescheduled SSCA meeting. Less than 5 calendar days' notice may be provided if the meeting is scheduled for a mutually agreeable date and time. If the parent/guardian does not appear for the third scheduled SSCA meeting, the meeting cannot proceed, and the SSCA Team will send the *Student Specific Corrective Action Parent Nonattendance Notification* notifying the parent/guardian that no more SSCA meetings will be scheduled unless the parent/guardian contacts the SSCA Team and requests an SSCA meeting with two proposed dates that work for the parent/guardian. The deadline for requesting an SSCA meeting is January 31, 2022.

### 3. The SSCA Meeting

- A. At the SSCA meeting, the documentation form ("SSCA Document") will be auto-populated to indicate the SSCA area(s) and school year(s) potentially impacted, as identified by the District and/or parent/guardian. If warranted,

the SSCA Team may consider additional SSCA areas or school years identified at the meeting. If analysis of newly identified areas or school years requires the collection of additional data, the SSCA Team will schedule a time to reconvene to review that data.

- B. The SSCA Team will first ask whether the student was denied or delayed the specified service, eligibility, or placement during the 2016-17 and/or 2017-18 school year(s) due to the procedures identified in the Public Inquiry Report, and if so, for what specific time period during those years.
- With respect to SSCA requests related to ESY, transportation, paraprofessional services, identification as a student with an SLD, and therapeutic day school placement, if the data gathered by the SSCA Team is inconclusive on the delay/denial question, the SSCA Team will choose a “Yes” response for that area/year.
  - With respect to SSCA requests related to the budget appeal process, if the SSCA Team (including the parent/guardian) is unable to gather any documentary evidence showing a delay or denial related to the position funding and budget appeals processes, the SSCA Team will choose a “No” response.
  - The determination and basis will be explained on the SSCA Document.
- C. If the SSCA Team determines that a delay/denial occurred in any SSCA area and year, the SSCA Team will next ask whether the student made expected progress in light of their unique circumstances during the time period identified.
- The SSCA Team will conduct a holistic and individualized analysis of the available data, including parent input, and make a professional and reasonable judgment.
  - If the SSCA Team is unable to gather data regarding the student’s progress and expected progress, the SSCA Team will default to a “No” response to the expected progress question for that area/year.
  - The determination and basis will be explained on the SSCA Document.
- D. If the SSCA Team determines that a delay/denial occurred in an SSCA area and year and that the student did not make expected progress, the student is eligible for a remedy. If the SSCA Team does not find a delay/denial or finds that the student made expected progress, the student will not be offered an individualized remedy. However, if the student was originally offered a UER, that remedy will still be available.
- E. Parents/Guardians of students eligible for a remedy will be offered an amount based on the UER list on pp. 3-4. However, depending on the length of the delay/denial and the student’s lack of progress, the SSCA Team will have the authority to commit to a higher amount.

- Parents/guardians requesting changes to their student’s current IEP should request an IEP meeting to consider the student’s current needs and services. The SSCA and IEP processes are separate and distinct from one another.
  - If the SSCA Team determines that the student may have been delayed or denied services unrelated to an SSCA issue, the parent/guardian will be referred to their school for a compensatory education meeting.
- F. At the end of the SSCA meeting, the parent/guardian will be asked if they agree or disagree with the SSCA Team’s decision. If the parent/guardian disagrees, a narrative box is available on the SSCA Document to memorialize the parent’s/guardian’s disagreement. The SSCA Document also has a *Parent Concern* text box, which may be used to document any other concerns the parent/guardian may have.

4. After the SSCA Meeting

- A. The parent/guardian will receive an *SSCA Parent Notification of Summary* at the conclusion of the meeting that summarizes the findings of the SSCA Team, the evidence gathered before/during the meeting, and any remedies agreed to.
- B. If the SSCA Team agreed to a remedy, this form will include a waiver of claims, which will include all issues and years that fall within SSCA. **The parent/guardian must sign and return the waiver before January 31, 2022 to receive their remedy.**
- C. The parent/guardian will also receive a copy of their SSCA procedural safeguards, which outline their options if they disagree with the decisions made by the SSCA Team.

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

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

**Data that may be relevant to whether the identified procedures caused a delay or denial of services, eligibility, or placement:**

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

Area	Data
	<ul style="list-style-type: none"> <li>▪ data showing whether the ODLSS District Representative was in attendance and/or whether the ODLSS District Representative approved the change in placement</li> </ul>
<b>Budget</b>	<ul style="list-style-type: none"> <li>▪ data showing whether the student's 2016-17 and/or 2017-18 IEP(s) required paraprofessional support and/or specialized instruction from a special education teacher</li> <li>▪ documentation or reports showing whether such support was provided, including records from the substitute center and staffing schedules</li> <li>▪ the school's budget appeal request record, including the Budget Appeals Review and Decision Report and any available documentation supporting the appeal request</li> <li>▪ SY 2017 and/or SY 2018 CPS Budget Appeals Review Committee Meeting Minutes</li> <li>▪ feedback from the principal, case manager, parent, or other relevant team members</li> <li>▪ any relevant and available communication related to implementing the student's IEP and/or the budget appeal</li> </ul>

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

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

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## PROCEDURAL SAFEGUARDS

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If parents/guardians disagree with the UER offered by CPS, they should request an SSCA meeting. If parents/guardians disagree with the SSCA decision, they may submit an ISBE State Complaint, request State-sponsored mediation, request an impartial due process hearing, or request an appeal directly to the ISBE Monitors. Information on the first three options can be found on the ISBE website within the Special Education page under "[Effective Dispute Resolution](#)."

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

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

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

### **Appeal to the ISBE Monitors**

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

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

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

The parent/guardian does not need to send anything else, but including information or documents related to why they think the SSCA decision was wrong may be helpful to the Monitors.

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

thirty (30) calendar days from the date on which they had knowledge of the SSCA meeting outcome.

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

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

An appeal to the ISBE monitors may result in one of four possible outcomes:

- a. The SSCA team decision was correct. Appeal denied.
- b. The SSCA team decision was not correct. The ISBE Monitor sends the matter back to the SSCA team with instructions.
- c. The SSCA team decision was not correct. The ISBE Monitor orders CPS to offer a remedy to the student.
- d. The matter was resolved through another proceeding. The appeal is dismissed.

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

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

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## SSCA Frequently Asked Questions

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### **General**

#### **1. What is Student Specific Corrective Action?**

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

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

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

#### **3. What changes were made to the SSCA process in August 2021?**

Two significant changes were made to the SSCA process in August 2021. First, students who had previously been identified by the District to receive automatic SSCA meetings will be offered UERs instead. Second, the District is offering monetary remedies instead of the previous menu of pre-approved options. Parents/guardians no longer need to call or meet with the District to get their UER. Instead, eligible parents/guardians will be prompted to confirm their mailing address and sign a waiver. When those two steps are complete, their checks will be mailed. SSCA meetings remain available to parents/guardians who were not identified to receive a UER (and who meet specified criteria) as well as for parents/guardians who were identified to receive a UER but do not think it is adequate compensation.

### **Universal Enrichment Remedies (UER)**

#### **3. What is a UER?**

UERs are being offered to identified students to streamline the SSCA process and deliver services to students who may have been impacted by the violations identified in the ISBE Public Inquiry Report. While typically a parent/guardian is entitled to compensatory services only after establishing a delay or denial of services that caused a lack of

expected progress, CPS has identified students for whom a UER will be offered without such an analysis.

**4. How were students identified for UERs?**

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

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

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

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

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

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

Yes. If a student has been identified for a UER and their parent/guardian confirms their address and signs a waiver, the parent/guardian will receive a monetary remedy up to \$4,000.00 per school year.

**8. What are the remedy amounts for each area?**

CPS Identified Area	Remedy (per year)
Extended School Year (ESY)	\$800.00
Transportation Student attended school	\$500

Transportation Student missed 10 or more consecutive days due to a lack of transportation	\$337.50
Paraprofessional	\$2,000.00
Specific Learning Disability (SLD)	\$4,000.00
Budget	\$2,000

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

No. If a student is identified for a UER in more than one area, the amounts will be added together, up to a maximum of \$4000.00 per school year.

**10. What if a parent/guardian of a student identified for UER believes they should receive more than the UER remedy?**

If a parent/guardian believes that the UER amount offered is insufficient, they may request an SSCA meeting. If the SSCA Team determines at the meeting that a delay/denial occurred in an SSCA area and year and that the student did not make expected progress, then a higher remedy amount may be considered and determined by the SSCA team. If the SSCA Team determines at the meeting that no delay/denial occurred or that the student made expected progress and so is not entitled to an individualized remedy, the parent/guardian will still be offered the original UER. Choosing to have an SSCA meeting does not require the parent/guardian to forfeit the offered UER.

**11. What do parents/guardians need to do to receive their remedies?**

Upon receipt of the *Parent Notification*, the parent/guardian must follow the instructions to confirm their mailing address. Alternative arrangements will be made for parents/guardians in temporary living situations. The parent/guardian must also sign the waiver of claims and return it to the District. Once the District confirms the parent's/guardian's address and receives the signed waiver of claims, the check will be mailed to the parent/guardian.

**12. What does the waiver of claims say?**

In the waiver, the parent/guardian agrees to release the Board of Education from any and all claims related to delays or denials of services or supports during the 2016-17 and 2017-18 school years related to the IDEA violations identified in the ISBE Public Inquiry Report, including those due to special education procedural changes related to transportation, ESY, paraprofessional, identification as a student with an SLD, and

placement in a therapeutic day school, and those due to the position funding and budget appeals processes. If the parent/guardian feels their child should be eligible for compensatory services beyond the offered UER, they should *not* sign the waiver, and should request an SSCA meeting.

The waiver does not affect the parent's/guardian's right to ensure their child receives the agreed upon remedy. The waiver also does not limit the parent's/guardian's right to file a complaint about other special education problems during the specified time period or afterwards.

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

**13. What is the deadline for a parent/guardian to confirm their address and submit their signed waiver?**

Parents/guardians must confirm their address and submit their signed waiver by January 31, 2022.

**Parents/Guardians Who Already Had UER Calls or SSCA Meetings**

**14. A parent/guardian previously missed or declined a UER call. Can they still get a UER remedy?**

Yes. Parents/guardians who missed, declined, or delayed their UER call will be notified of their eligibility for a monetary UER. Parents/guardians should follow the instructions to confirm their address and sign the waiver in order to receive their remedy.

**15. A parent/guardian previously participated in a UER call but had not yet chosen a remedy. How can they get a monetary remedy?**

Parents/guardians who participated in a UER call but had not yet chosen a remedy or signed a waiver will be notified of their eligibility for a monetary UER. Parents/guardians should follow the instructions to confirm their address and sign the waiver in order to receive their remedy.

**16. A parent/guardian previously participated in a UER call, chose a remedy, and signed a waiver, but would prefer the monetary remedy. Can they still get a monetary remedy?**

Possibly. If the reimbursement, services, or educational software received was less than the full amount the parent/guardian was eligible to receive, they are eligible to receive the remainder as a monetary remedy. These parents/guardians will be notified of their eligibility for a monetary UER and should follow the instructions to confirm their address and sign the waiver in order to receive their remaining remedy.

If the remedy chosen by the parent/guardian exhausted their UER remedy, they are not entitled to any additional monetary remedy.

If a parent/guardian chose reimbursement, services, or educational software for their child and signed their waiver, but the student had not yet accessed the remedy, then they may be released from their waiver and receive a monetary remedy instead.

**17. A parent/guardian previously missed or declined a District-initiated SSCA meeting. Are they eligible to get a UER remedy?**

Yes. Parents/guardians who missed, declined, or delayed their District-initiated SSCA meeting will be notified of their eligibility for a monetary UER. Parents/guardians should follow the instructions to confirm their address and sign the waiver in order to receive their remedy.

**18. A parent/guardian previously participated in a District-initiated SSCA meeting and was found ineligible for a remedy. Are they now eligible to get a UER remedy?**

Yes. Parents/guardians who participated in a District-initiated SSCA meeting and were found ineligible for a remedy will be notified of their eligibility for a monetary UER. Parents/guardians should follow the instructions to confirm their address and sign the waiver in order to receive their remedy.

**19. A parent/guardian previously participated in a District-initiated SSCA meeting and was found eligible for a remedy but had not yet chosen a remedy. How can they get a monetary remedy?**

Parents/guardians who participated in a District-initiated SSCA meeting and were found eligible for a remedy but had not yet chosen a remedy or signed a waiver will be notified of their eligibility for a monetary UER. Parents/guardians should follow the instructions to confirm their address and sign the waiver in order to receive their remedy.

**20. A parent/guardian previously participated in a District-initiated SSCA meeting, chose a remedy, and signed a waiver, but would prefer the monetary remedy. Can they still get a monetary remedy?**

Possibly. If the reimbursement, services, or educational software received was less than the full UER amount the parent/guardian was eligible to receive, they are eligible to receive the remainder as a monetary remedy. These parents/guardians will be notified of their eligibility for a monetary UER and should follow the instructions to confirm their address and sign the waiver in order to receive their remaining remedy.

If the remedy chosen by the parent/guardian exhausted their UER remedy, they are not entitled to any additional monetary remedy.

If a parent/guardian chose reimbursement, services, or educational software for their child and signed their waiver, but the student had not yet accessed the remedy, then they may be released from their waiver and receive a monetary remedy instead.

**21. A parent/guardian previously participated in a parent-requested SSCA meeting and was found ineligible for a remedy. Can they now get a monetary remedy?**

No. The results of parent-requested SSCA meetings are not impacted by the changes made to the SSCA procedures in August 2021. Parents/guardians who request an SSCA meeting are not eligible for a UER; they are only eligible for a remedy if the SSCA Team completes the SSCA analysis and finds the student was negatively impacted by the procedures identified in the Public Inquiry Report.

**22. A parent/guardian previously participated in a parent-requested SSCA meeting and was found eligible for a remedy. Can they now get a monetary remedy instead of the services previously chosen?**

If a parent/guardian chose reimbursement, services, or educational software for their child and signed their waiver, but the student had not yet accessed the remedy, then they may be released from their waiver and receive a monetary remedy instead.

**23. Will Chromebooks available as remedies going forward?**

Chromebooks were available as a remedy option in the past, but will not be offered going forward.

Parents/Guardians whose student has already received their Chromebook will not be expected to return it, and parents/guardians who chose a Chromebook for their student as part of a previous UER call but who have not received it yet will still receive one.

**Parent Requested SSCA Meetings**

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

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

**24. Who will make the SSCA decision?**

The SSCA Team, which includes the parent/guardian.

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

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

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

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

**27. Is an SSCA meeting an IEP meeting?**

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

**28. How can a parent/guardian request an SSCA meeting?**

A parent/guardian can request an SSCA meeting by contacting [SSCA@cps.edu](mailto:SSCA@cps.edu). The SSCA request should identify which SSCA area(s) and year(s) they believe the student was potentially impacted (transportation, paraprofessional, ESY, identification as a student with a specific learning disability, placement in a therapeutic day school, paraprofessional, and/or special education teacher support related to the budget appeals process; in 2016-17 and/or 2017-18). The parent should provide any supporting documentation available.

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

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

**30. What remedies are available at an SSCA meeting?**

If the SSCA Analysis Team determines that a student's services were delayed or denied due to an issue identified in the ISBE Public Inquiry Report and that the student therefore did not make expected progress, the student will be offered a monetary remedy based on the UER list found within FAQ #8. However, depending on the length of the delay/denial and the student's lack of progress, the SSCA Team will have the authority to commit to a higher amount.

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

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

At the meeting, the SSCA Team will determine whether the student was delayed or denied paraprofessional or special education teacher support services due to a procedural change identified in the Public Inquiry Report or a budget appeal. If the SSCA Analysis Team identifies such a delay or denial and the student did not make expected progress, the student is eligible for an SSCA remedy to compensate for any harm related to the delay caused by the SSCA issue.

To the extent the student's services were delayed or denied due to positions that were open or vacant due to lack of qualified applicants, however, the student is not eligible for an SSCA remedy, but the parent/guardian will receive a copy of their procedural safeguards and a form requesting a compensatory education meeting. The SSCA Team will send the form and any relevant records to 1) the principal of the school the student is

attending, 2) the principal of the school the student was attending at the time of the delay/denial, and 3) the current District Representative. A compensatory education meeting will be scheduled at the student's current school to review any delay or denial caused by a vacant position, review the student's progress, and offer compensatory education if warranted.

**32. What is the deadline for a parent/guardian to request an SSCA meeting?**

Parents/guardians must request an SSCA meeting by January 31, 2022. If the SSCA Team agrees to a remedy, the parent/guardian must sign and return the waiver before January 31, 2022 to receive the remedy.

**ISBE Monitor Appeals**

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

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

For more information about how to submit an appeal to the ISBE Monitors, see the SSCA Procedural Safeguards document and FAQs #33 through #41.

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

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

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

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

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

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

**35. When can an ISBE Monitor appeal be filed?**

An appeal can be filed after one of the following:

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

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

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

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

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

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

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

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

**39. Who decides the ISBE Monitor appeal?**

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

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

ISBE expects four possible outcomes:

- a. The SSCA team decision was correct. Appeal denied.
- e. The SSCA team decision was not correct. The ISBE Monitor sends the matter back to the SSCA team with instructions.
- f. The SSCA team decision was not correct. The ISBE Monitor orders CPS to offer a remedy to the student.

- g. The matter was resolved through another proceeding. The appeal is dismissed.

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

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

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

**Additional Resources**

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

Parents with questions or concerns can contact the Parent Support Team at [odlssparentsupport@cps.edu](mailto:odlssparentsupport@cps.edu) or 773-553-1840. Or to request an SSCA meeting, parents/guardians can contact either [ssca@cps.edu](mailto:ssca@cps.edu) or 773-553-1843. Additional resources are available on the SSCA website at [cps.edu/ssca](http://cps.edu/ssca).

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

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