

Chicago Public Schools Budget Review

FY 2020

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Executive Summary

Access Living has provided an annual review and analysis of the Chicago Public Schools' (CPS) budget as it impacts students with disabilities since 2006. Our report aims to review if the CPS budget adequately funds its special education program to ensure equity and good educational outcomes for students with disabilities. This year, Access Living provides its budget review, its review of the ISBE's monitoring of CPS's compliance with federal special education law, and a review of CPS's Americans with Disabilities Act (ADA) budget.

For FY20, CPS proposed total spending of \$7.7 billion, an increase of \$116 million from the FY19 budget.¹ The \$7.7 billion spending plan includes \$6.18 billion for the operating budget, \$821 million for the capital budget, and \$700 million for debt service payments.² Our analysis of CPS's budget found that in FY20, CPS appropriated \$996 million for its special education program, an increase of \$83 million to district-run schools, with an additional 537 special education positions from the FY19 budget.³ In addition, for the first time in almost a decade, CPS appropriated a significant amount, \$10.5 million, for ADA accessibility improvement projects this year.

Access Living identifies three critical issues with CPS's FY20 budget for special education services. The first issue is the district's chronic special education teacher vacancy rates. An average of over 300 special education teacher positions were vacant throughout the 2018-19 school year. The impact of increased funding and positions in FY20 is limited because of severe understaffing with consistent vacancies. CPS's consistent special education staffing shortage leads to the next question: Is CPS providing instruction and related service minutes mandated by students' Individualized Education Programs (IEP) regardless of teacher absence? The teacher shortage would appear to result in a failure to provide IEP services, but this cannot be confirmed because CPS does not systematically track missing instruction minutes for compensatory education services to students.

Secondly, CPS's special education budgeting method for position allocation to schools is flawed. The district cut 64 special education teacher positions with school-level budgeting while leaving over 300 vacancies unfilled. That process itself reduces CPS's ability to adequately staff the IEP services students require.

¹ CPS FY20 Proposed Budget, <https://cps.edu/FY20Budget/documents/FY20budgetbook.pdf>; CPS FY20 Capital Plan, <https://cps.edu/CapitalPlanFY20/Documents/FY20CapitalPlan.pdf>.

² *Id.*

³ The 147 million special education funding increase in FY20 includes a newly diverted \$64 million funding for charter schools delivered through Office of Diverse Learner Supports and Services. Thus, the true increase is \$83 million for the district-run schools; FY20 Proposed Positions of 9,783.4 less FY19 Budgeted Positions of 9,246.5 equals 536.9 positions, CPS FY20 Proposed Budget, p. 70.

Lastly, we found that CPS did not appropriate any funds for the state ordered Student Specific Corrective Action (SSCA), compensatory education services for students who were harmed by CPS's systemic delay and denial of services. In the 2019-20 school year, CPS needs to offer additional SSCA meetings to almost 25% of its students with disabilities and provide compensatory services to eligible students, such as tutoring, extended school year, and transportation mileage reimbursement to parents. We question how the district will carry out the SSCA plan in FY20.

CPS's special education services are in a period of transition. In May 2018, the Illinois State Board of Education (ISBE) found that CPS's special education policies and procedures, including student-based budgeting, likely resulted in delay and denial of services to students, and therefore violated the Individuals with Disabilities Education Act (IDEA). As a result, in June 2018, ISBE appointed a monitor to oversee CPS's special education program until 2021. During the 2018-19 school year, ISBE ordered the district to remove unlawful blocks and locks in the electronic IEP system and burdensome data requirements for service eligibility. Under the ISBE's monitoring, CPS also revised the special education policy manual to comply with the IDEA. The ISBE Monitor reviews all staffing appeals and subsequent decisions by CPS to ensure there is no unwarranted denial of services to students. We reviewed the first year of the ISBE monitoring and discuss the key challenges for the 2nd year with our recommendations.

Lastly, Access Living presents our discussion on CPS's \$10.5 million ADA improvement budget in FY20. The district's plan of making the first floor of schools accessible is miscalculated. Students with mobility disabilities will still not be able to attend those schools. To make a school fully accessible, it must have vertical accessibility features, such as an elevator, so students with mobility disabilities can have access to academic programs on higher floors.

Access Living's recommendations, found at the end of the report, are briefly summarized as follows:

1. **Teacher Vacancies:** CPS should improve the working environment for special education teachers and supporting staff to recruit additional high-quality teachers.
2. **Accountability for Missing Education Services:** CPS must establish a system ensuring the delivery of education and related services to students as required by their IEPs and 504 plans regardless of vacancies.
3. **Flawed Position Allocation Method:** CPS should retain teachers and aides with cut positions for other schools with vacancies. In addition, CPS must reexamine special education position estimates for the following school year. Underestimating the necessary number of teachers and aides has been a pattern of special education budgeting practice.

4. **Special Education Recruiting Support:** CPS should launch a “Special Education Opportunity School Program” focusing on recruiting and retaining qualified special education teachers and aides for schools with high levels of special educator vacancies and turnover.
5. **Compensation for Delayed and/or Denied Special Education Services:** CPS must immediately appropriate a substantial amount of funds for the SSCA implementation and remedial services as a separate line item from the overall special education funds for instruction and related services. With this budgeting, the stakeholders must be able to review the SSCA implementation status by comparing the budgeted amount and actual expenditures after FY20.
6. **Improving Accessibility:** CPS should focus on making inaccessible or partially accessible schools fully accessible by installing elevators and other first floor accessibility features. The priority is making a school fully accessible so a student with a mobility disability can access and enjoy the same academic programs as her peers without disabilities do. When determining the list of schools for the accessibility improvement project, CPS should prioritize schools with existing accessibility needs.

Introduction

Background

As the third largest school district in the country, Chicago Public Schools (CPS) serves over 66,000 identified students with disabilities.⁴ In CPS, most of these students receive special education services under the Individuals with Disabilities Education Act (IDEA), the nation's special education law primarily addressing modified curricula and services. Other students with disabilities who do not need a modified curriculum still receive accommodations based on their disabilities under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA). Under the IDEA and Section 504, CPS is required to provide free appropriate public education services to students with disabilities in Chicago.

Access Living is one of the oldest Centers for Independent Living in the country, a disability-led and majority-disability staffed rights and services organization committed to building meaningful inclusion and equality for all. Since 2006, Access Living has provided an annual review and analysis of the CPS budget as it impacts students with disabilities in Chicago. Our report aims to review if the CPS budget adequately funds its special education program to ensure equity and good educational outcomes for students with disabilities. In addition, we believe that a review of funding issues impacting students with disabilities highlights strategic policy concerns which need to be addressed districtwide.

We also issue this report at a historic moment for public education in Chicago. Under the leadership of the new Mayor of Chicago, Lori Lightfoot, CPS is finally turning its education focus to racial equity, recognizing the critical need for equitable support for students from marginalized environments. It is noteworthy that over 20,000, approximately 15% of CPS's equity focus group, African American and Latinx male students, are also students with disabilities.⁵ Thus, CPS cannot achieve its equity goals without supporting these students with disabilities.

After the state's 2018 finding of CPS's systemic violations of federal special education law, the Illinois State Board of Education (ISBE) Monitor was appointed. The Monitor is currently overseeing CPS's special education policies and procedures. Access Living was part of the

⁴ As of 20th day SY19: Students with IEPs total 50,772 and students with 504 plans total 16,037, CPS School Data, Demographics, School Year 2018-2019, <https://cps.edu/SchoolData/Pages/SchoolData.aspx>; CPS FOIA Request N007006-062419.

⁵ In SY18, CPS served 137,444 African American students and 174,542 Latinx students. African American students comprised 40.7% of the total 52,520 students with IEPs in CPS. Latinx students comprised 47.9% of the students with IEPs. Based on each racial group's percentage of the students with IEPs, we found approximately 46,000 African American or Latinx students with IEPs. The above figure is based on 1:1 gender ratio, 2018 IL Report Card, <https://www.illinoisreportcard.com>.

special education advocates coalition (Advocates) that pushed for the state’s investigation, because after decades of effort to get CPS to address systemic failures impacting our students with disabilities and their families, it was clear that CPS could not fix its problems on its own.⁶ We are grateful for the Advocates that have been part of this effort, and we look forward to engaging with the ISBE Monitor over the coming years.

Nonetheless, we recognize the ongoing need for independent review of the structure and administration of the portions of the CPS annual budget that impact students with disabilities. For us, this includes not only the funding for teachers and other staff, but the funding of supports and the dedication of a budget towards increasing accessibility at all CPS schools. Transparency, accountability, and the right mindset are key. We are not there yet, and our review of this year's budget proposal reveals some concerns that we recommend be addressed.

FY19 Review: A Year of Changes

“It’s time to give every child and young person a good education . . . no matter who they are or where they live. That every child gets a quality education — that’s our business, no matter what . . . when we put equity first in our education system, when we make good on a promise that every kid matters, it will instill within our children the values we seek to foster in our city as a whole.”⁷

Chicago Mayor Lori Lightfoot

CPS began FY19 in the midst of historic political environment changes. The two major candidates of the gubernatorial election competed on education agendas, having previously invested significantly in education philanthropy as private individuals. An ample number of mayoral candidates also based their agenda on the K-12 education system in Chicago. For the first time after several years of budget crises, CPS finally entered FY19 with a relatively balanced budget thanks to increased state funding and higher local revenues from property taxes. CPS mainly utilized this fiscal relief to improve the academic quality of the district’s programs,

⁶ The special education advocacy coalition includes: Access Living; the Shriver Center on Poverty Law; Chicago Principals and Administrators Association; the Chicago Teachers Union; Parents 4 Teachers; Ounce of Prevention Fund; Legal Council for Health Justice; Raise Your Hand for IL Public Education; Legal Aid Chicago (formerly known as Legal Assistance Foundation); Equip For Equality; Potter and Bolanos, LLC; Matt Cohen and Associates; 19th Ward Parents for Special Education.

⁷ Cassie Walker Burke, *We must meet our educational challenges together: What Lori Lightfoot said about schools on her first day as Chicago’s mayor*, Chalkbeat, May 20, 2019, <https://chalkbeat.org/posts/chicago/2019/05/20/heres-what-lori-lightfoot-said-about-schools-on-her-first-day-as-mayor/>.

launch the 4-year universal pre-K plan, and create a nearly billion dollar capital investment plan. The district also proudly presented the increasing graduation and college enrollment rates of its students. Nonetheless, in FY19, CPS's enrollment dropped by just over 10,000 students, and the district struggled to provide consistent quality education services in schools located in the city's South and West sides. For special education, CPS did not succeed in providing sufficient teachers and nurses to students with disabilities, and as a result, continued to fail to provide districtwide quality special education services.

In May 2019, Chicago welcomed a new mayor, Lori Lightfoot. Mayor Lightfoot campaigned with her promise of equitable education, support for the ISBE's monitoring of the CPS special education program, and encouragement of more parent and community involvement in CPS. The mayor promised an elected board and appointed new members to the Chicago Board of Education (CPS Board), as an interim board whose tentative tenure would last until an elected board takes their place. Different than previous CPS Boards, the new board consists of educational experts with deeper community ties. However, the mayor still faces several difficult tasks. In addition to the city's budget shortfall of nearly \$1 billion and approximately \$30 billion in unfunded pension liabilities, she has the challenging task of negotiating new labor contracts with the Chicago Teachers Union (CTU) and Service Employees International Union (SEIU) Local 73 for upcoming school years.

In terms of special education, FY19 is the first year of the State's oversight of the CPS special education program. As a result of ISBE's investigation into the CPS special education policies and procedures (Public Inquiry) in the summer of 2018, the State appointed a monitor to oversee CPS's special education program until 2021. At the beginning of the 2018-19 school year, the State reformed CPS's illegal special education policies, electronic Individualized Education Programs (IEP) system, and budget appeal process. However, as Access Living predicted in the CPS FY19 Budget Review, CPS's increased budget for its special education program did not significantly impact students because of the chronic vacancies of special education teacher and related service provider positions and inadequate training on the corrective policy changes.⁸ The wrongful policies were removed by the State's corrective orders, but students with disabilities still could not receive adequate education services because of the district's failure to secure teachers, nurses, and other service providers for them.

On August 8, 2019, CPS proposed total spending of \$7.7 billion for FY20, an increase of \$116 million from the FY19 budget.⁹ The proposed FY20 operating budget totals \$6.18 billion, an

⁸ Access Living CPS Budget Review FY2019, pp. 15-23.

⁹ CPS FY20 Proposed Budget, <https://cps.edu/FY20Budget/documents/FY20budgetbook.pdf>; CPS FY20 Capital Plan, <https://cps.edu/CapitalPlanFY20/Documents/FY20CapitalPlan.pdf>.

increase of \$191 million from the adopted FY19 operating budget of \$5.98 billion.¹⁰ For the second year, CPS proposes vigorous investments in education with better finances backed by improved state funding and higher than expected local property tax revenues. Nonetheless, declining enrollment and continuously increasing expense is the ongoing financial concern of the district serving over 360,000 students.

In the following pages, we will analyze these developments in terms of interplay and impact on the education of CPS students with disabilities, and provide recommendations for future action.

¹⁰ CPS FY20 Proposed Budget, p. 10.

Chicago Public Schools FY20 Budget Overview

In FY20, CPS's financial position is stronger than previous years with increased revenues from local property taxes and state funding. In FY20, CPS continues expanding various academic programs and catching up on long overdue investments in neighborhood schools. However, CPS's financial future is not bright. Despite declining enrollment in Chicago, the district's expenses, including CPS's employer contribution to the Chicago Teachers Pension Fund, will continuously increase. As of FY20, CPS would need an additional \$1.92 billion from the state to fully meet its adequacy target of \$5.59 billion, equivalent to \$15,531 per student.¹¹ In addition, depending on the changes of the Evidence-Based Funding components, CPS may lose future funding increases from the state in coming years.¹²

CPS proposed total spending of \$7.7 billion for FY20, an increase of \$116 million from the FY19 budget.¹³ The \$7.7 billion budget includes \$6.18 billion for operating costs, \$821 million for the capital budget, and \$700 million for debt service payments.¹⁴ The proposed FY20 operating budget totals \$6.18 billion for the district's day-to-day operations.¹⁵ This is an increase of \$191 million from the adopted FY19 operating budget of \$5.98 billion.¹⁶

The below table from the CPS FY20 proposed budget book shows how CPS revenues are distributed into operating, debt service, and capital funds.

¹¹ CPS FY20 Proposed Budget, pp. 24-27; According to ISBE, it would take about \$660 million annually (up from the \$350 million required now) to get all districts to 90% funding adequacy by 2027, or between \$4.8 to \$7 billion in total funding. Susie An, *Up To \$7 Billion Still Needed To Properly Fund Illinois Schools*, WBEZ News, June 19, 2019, <https://www.wbez.org/shows/wbez-news/up-to-7-billion-still-needed-to-properly-fund-illinois-schools/6e796b69-74ad-4197-a893-7f77f9bda481>.

¹² *Id.*

¹³ CPS FY20 Proposed Budget, <https://cps.edu/FY20Budget/documents/FY20budgetbook.pdf>; CPS FY20 Capital Plan, <https://cps.edu/CapitalPlanFY20/Documents/FY20CapitalPlan.pdf>.

¹⁴ *Id.*

¹⁵ CPS FY20 Proposed Budget, p. 10.

¹⁶ CPS FY20 Proposed Budget, p. 19.

FY20 CPS Revenue Sources Allocated for Debt, Capital, and Operating Funds (\$ in millions)

	Total	Amount for Debt Service	Amount for Capital	Balance for Operating Budget
Local Revenues				
Property Tax	\$3,134.5	\$51.1	\$9.6	\$3,073.8
Replacement Tax	\$215.3	\$64.3	\$0.0	\$151.0
Other Local	\$457.1	\$142.3	\$25.2	\$289.7
Total Local	\$3,806.9	\$257.7	\$34.8	\$3,514.4
State Revenues				
EBF	\$1,673.7	\$382.0	\$0.0	\$1,291.8
Capital	\$32.4	\$0.0	\$32.4	\$0.0
Other State	\$575.6	\$0.0	\$0.0	\$575.6
Total State	\$2,281.8	\$382.0	\$32.4	\$1,867.4
Federal	\$767.5	\$24.7	\$10.1	\$732.7
Investment Income	\$5.0	\$0.0	\$0.0	\$5.0
Total Revenue	\$6,861.2	\$664.4	\$77.2	\$6,119.6

Source: CPS FY20 Proposed Budget, p. 18.

There is a disparity of over \$730 million between the FY20 proposed budget book and CPS’s online FY20 budget interactive reports. As the above shows, the budget book states \$6,861.2 million as the total revenue in FY20. However, on the online interactive report, CPS’s estimated revenue in FY20 totals \$7.6 billion, including \$675 million from sale of bonds and a \$56 million fund balance transfer.¹⁷ In total, CPS’s FY20 total revenues are short by \$104 million compared to its spending plan and most of the district’s revenues for the capital investments are planned with the \$675 million proceeds from sale of bonds.

Operating Budget

CPS’s FY20 operating budget totals \$6.18 billion for the district’s academic programs in schools, paying teacher and other employee salaries and benefits, including annual pension contribution, and other contractual services.¹⁸ This is an increase of \$191 million from the adopted FY19 operating budget of \$5.98 billion.¹⁹ In FY20, CPS appropriated \$3.8 billion,

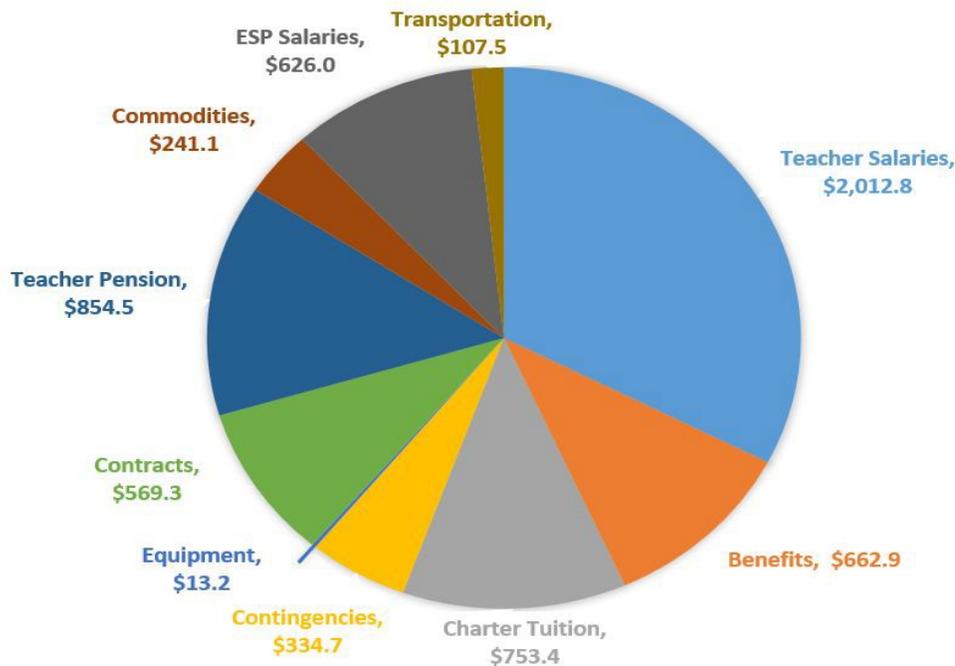
¹⁷ CPS FY20 Proposed Budget, p. 18; CPS FY20 Online Interactive Reports, Revenues and Expenditures, <https://cps.edu/FY20Budget/Pages/FY20Budget.aspx>.

¹⁸ CPS FY20 Proposed Budget, p. 10.

¹⁹ CPS FY20 Proposed Budget, p. 19.

approximately 60% of the operating budget, in school-level funding, which is an increase of \$129 million from the FY19 budget.²⁰ The below chart shows CPS's FY20 operating budget expenses by category.

CPS FY20 Budget by Expense Category (millions)



Source: CPS FY20 Proposed Budget, p. 13.

Among CPS's required employer contribution of \$854.5 million to the Chicago Teachers Pension Fund (CTPF) in FY20, the state will fund \$257.3 million pursuant to PA 90-655 and PA 100-465. Still, the budgeted amount constitutes 14% of the total operating budget in FY20. Depending on the labor contract negotiation with CTU, the cost for teacher salaries and benefits may increase. In the proposed budget, CPS projected 2.5% raises for teacher salaries in FY20 but the Union is asking for a higher rate of salary increase.²¹

²⁰ CPS FY20 Proposed Budget, p. 42; CPS FY19 Adopted Budget, pp. 36-37.

²¹ City proposed a five-year contract with 2.5% raises for three years and 3% raises the final two years, with an overall 1.5% increase in health care costs. In contrast, CTU proposed a three-year contract with 5% annual raise, with no increase in health care costs; Sarah Karp, *5 Things To Know About Chicago Public Schools' Budget*, Aug. 19, 2019, <https://www.wbez.org/shows/wbez-news/5-things-to-know-about-chicago-public-schools-budget/fd25a073-d929-4529-9419-614021b60d7b>.

Capital Plan and Debt Payment

In FY20, CPS proposed \$821 million for capital investments, after budgeting nearly \$1 billion the year before.²² CPS plans to address facility need at neighborhood schools this year by appropriating \$263 million, about one-third of the investments, to schools' roofs, repairs and maintenance priorities.²³ In the FY19 CPS Budget Review, Access Living recommended CPS to prioritize critical repairs of its schools.²⁴ We are pleased to see that the district is appropriating a substantial amount of the FY20 capital investments for the existing facility needs of the schools in the South side. In addition, CPS allocated a total of \$100 million for the full day pre-K expansion program.²⁵ The below table shows the summary of the estimated uses:

FY20 Capital Budget Uses

Estimated Uses	(Thousands)
Facility Needs	\$ 263,150
Educational Programming	\$ 180,000
IT, Security, & Building System Investments	\$ 87,365
Site Improvements	\$ 44,750
Interior Improvements	\$ 17,340
Capital Project Support Services	\$ 26,000
Potential State Capital Funded Projects	\$ 191,000
Potential Externally Funded Projects	\$ 11,000
Total FY20 Capital Budget Uses	\$ 820,605

Source: CPS FY20 Proposed Budget, p. 160.

The State of Illinois FY20 capital plan, the Rebuild Illinois program, totals \$45 billion and CPS expects to receive \$191 million over six years from it.²⁶ This plan also directly provides approximately \$60 million to nearly 40 schools for new buildings, gyms, windows, and safety equipment in Chicago.²⁷ In FY20, for almost the first time in a decade, CPS appropriated \$10.5 million for the ADA program in order to improve accessibility in schools. The in-depth discussions are on pp. 36-38 of this report.

²² CPS FY20 Proposed Capital Plan, <https://cps.edu/CapitalPlanFY20/Pages/CapitalPlanFY20.aspx>.

²³ *Id.*

²⁴ Access Living CPS Budget Review FY2019, pp. 25-26.

²⁵ CPS FY20 Proposed Budget, pp. 160-61.

²⁶ *Id.*

²⁷ PA 101-0029; Cassie Walker Burke, *Nearly 40 Chicago schools, including charters, to get building boost from state capital plan*, June 6, 2019, <https://chalkbeat.org/posts/chicago/2019/06/06/nearly-40-chicago-schools-including-charters-to-get-building-boost-from-state-capital-plan/>.

CPS is currently responsible for \$8.8 billion of debt: \$8.4 billion of outstanding long-term debt and \$450 million of outstanding short-term debt.²⁸ The FY20 budget appropriates \$700 million for debt payments.²⁹ The total amount of debt in FY20 is about the same amount as in FY19 but the improved funding brought cash relief to CPS so the district was able to decrease the amount of short-term borrowing by \$150 million.³⁰ However, the district's credit rating is still deep into junk status and the district plans to spend almost \$500 million for the existing bond interest payment.³¹

Chicago Teachers Pension Fund

Increasing pension funding responsibility is CPS's primary ongoing financial challenge.³² Chicago Teacher's Pension Fund (CTPF) is currently funded through contributions by CPS, the State, and CPS teacher employees. The Illinois Pension Code allows CPS to offset any contribution amount by the State to the district's employer contribution to the CTPF. In FY19, CPS made \$570 million of the total \$809 million contribution, with the State's contribution of the other \$239 million.³³

In FY20, out of the total \$854.5 million employer contribution, CPS is required to contribute \$597.2 million, almost 10% of the \$6.18 billion operating budget.³⁴ This is an approximately \$19 million increase from the estimated employer contribution based on the CTPF 2017 actuarial valuation. As of June 30, 2018, the funded ratio of the CTPF decreased to 47.9% from 50.1% at

²⁸ CPS FY20 Proposed Budget, pp. 171-73.

²⁹ CPS FY20 Proposed Budget, p. 169.

³⁰ CPS FY20 Proposed Budget, p. 168; CPS FY19 Adopted Budget, p. 167.

³¹ CPS Credit Ratings, https://cps.edu/About_CPS/Financial_information/Pages/CreditRatings.aspx; CPS FY20 Proposed Budget, p.169.

³² CPS has a long history of struggling to adequately make pension contributions to the Chicago teachers' retirement benefit system, the Chicago Teacher's Pension Fund (CTPF). Over the last 25 years, the General Assembly passed several pieces of legislation easing CPS's employer contribution responsibility in order to allow the financially-constrained district to use revenue for operating costs. The State also did not appropriate the promised annual contribution to CTPF between 1995 and 2016, while the district utilized two pension contribution "holidays" to stabilize its financial status. As a result, CTPF's funded ratio--assets available for benefits compared to the actuarial accrued liability of the Fund--went down below 50% in 2013. Finally in recent years, the State enacted two pieces of legislation providing more funds to the CTPF in order to improve the funding stability. PA 99-521 (enacted in FY17) allowed CPS to levy a property tax dedicated to the CTPF capped at 0.383% of Chicago's property value. PA 100-465 (enacted in FY18) provided additional funding stability by increasing the cap for the CTPF tax levy to 0.567% and requiring the State to pay the normal cost portion of CPS's required contribution and retiree health benefits.

³³ Public School Teachers' Pension and Retirement Fund of Chicago (CTPF), Actuarial Valuation Report as of June 30, 2018, p. 6, <https://www.ctpf.org/financial-investment-reports>.

³⁴ CPS FY20 Proposed Budget, pp. 32-34.

the end of FY17.³⁵ The funding status of the CTPF matters because year-by-year funding status is directly related to the amount of the CPS contributions in the future. PA 96-889 requires CPS to make an annual employer contribution sufficient to bring the total assets of the CTPF up to 90% of the total actuarial liabilities of the Fund by the end of FY2059. That is, the lower the funded ratio is today, the more future contributions CPS needs to appropriate in order to achieve the 90% funded ratio goal in FY2059. Another noteworthy fact is that the FY18 projected funded ratio does not improve until after 2039.³⁶ It means that the current funding policy, although improved, still significantly defers contributions into the future. As a result, the unfunded liability of the CTPF will continue to grow until 2039.

In order to meet up with the back-loaded funding schedule, CPS will need to contribute a higher amount year after year. In 2024, CPS will need to contribute \$669 million, \$99 million more than the FY19 contribution by the district. In 2029, CPS’s contribution portion totals over \$770 million, an increase of \$201 million from the contribution made in FY19. The table below shows the projected future year required contribution over the next ten years.

CTPF Projected Future Year Required Contribution Amounts

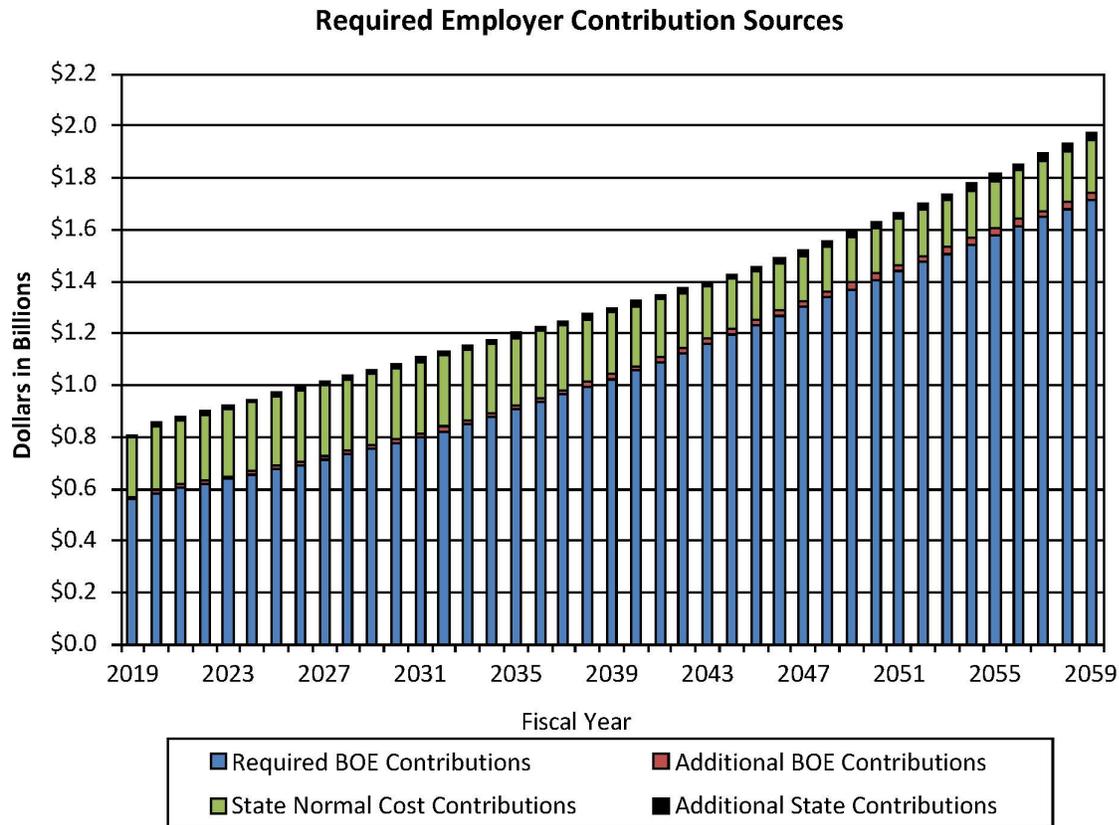
Fiscal Year Ending June 30,	Required Board of Education Contributions	Additional Board of Education Contributions	Additional State Contributions	State Contributions Pursuant to P.A. 100-0465	Total Required Employer Contributions
2019	\$556,814,000	\$ 12,887,000	\$ 12,087,000	\$226,782,000	\$ 808,570,000
2020	584,504,000	12,647,000	11,862,000	245,487,000	854,500,000
2021	601,576,000	12,982,000	12,176,000	250,378,000	877,112,000
2022	618,813,000	13,315,000	12,489,000	255,016,000	899,633,000
2023	636,729,000	13,653,000	12,805,000	259,251,000	922,438,000
2024	655,189,000	13,992,000	13,124,000	263,070,000	945,375,000
2025	674,034,000	14,330,000	13,440,000	266,367,000	968,171,000
2026	693,251,000	14,665,000	13,755,000	269,135,000	990,806,000
2027	712,881,000	14,999,000	14,068,000	271,421,000	1,013,369,000
2028	733,385,000	15,335,000	14,384,000	273,014,000	1,036,118,000
2029	754,750,000	15,674,000	14,701,000	273,856,000	1,058,981,000

Source: Public School Teachers’ Pension and Retirement Fund of Chicago, Actuarial Valuation Report as of June 30, 2018, p. 6.

³⁵ Actuarial valuation of assets to the actuarial accrued liability basis. The funded ratio decreased from 50.1% as of June 30, 2017, to 47.9% as of June 30, 2018, based on the actuarial value of assets. Based on the market value of assets, it decreased from 49.5% as of June 30, 2017, to 48.4% as of June 30, 2018, Public School Teachers’ Pension and Retirement Fund of Chicago (CTPF), Actuarial Valuation Report as of June 30, 2018, p. 4.

³⁶ Public School Teachers’ Pension and Retirement Fund of Chicago Actuarial Valuation as of June 30, 2018, p. 13.

As the below projection graph shows, CPS’s employer contribution will increase year by year, and in 2059, it will eventually reach \$1.97 billion, almost 250% of the CPS contribution in FY19.



Source: Public School Teachers’ Pension and Retirement Fund of Chicago, Actuarial Valuation Report as of June 30, 2018, p. 10.

CTPF is a severely underfunded plan and the ability of the plan to reach 90% funding by 2059 is heavily dependent on the State and CPS contributing funds each and every year until 2059. Although CPS’s budget has grown for years, with declining enrollment and increasing cost, it is unclear how long CPS will be able to fulfill its future contributions while not sacrificing funds for education services. Furthermore, additional funding from the State is uncertain because the State also has fiscal challenges to overcome. Nonetheless, to prevent another pension crisis going forward, CPS needs more local resources, hopefully from increased property value in Chicago and state funding for future pension contributions.

CPS Funding for Special Education Services in FY20

In the 2018-19 school year, CPS served over 66,000 identified students with disabilities.³⁷ Most of these students received special education services based on their Individualized Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA). Other students with disabilities who do not need a modified curriculum still received accommodations based on their disabilities under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA). These students have 504 plans describing their disability accommodations. Under the IDEA and Section 504, CPS is required to provide free appropriate public education services to both group of students with disabilities.

ODLSS FY20 Departmental Budget

The Office of Diverse Learner Supports and Services (ODLSS) provides special education instruction and related services to students with disabilities in CPS. ODLSS is responsible for providing a free appropriate public education to students with disabilities in the least restrictive environment, including the identification, evaluation, and placement, in compliance with federal and state laws and regulations regarding special education. Since FY19, CPS has been allocating all special education positions to schools in the form of Full Time Equivalents (FTE). Individual schools received the CPS-determined number of special education teacher and aide positions when the district released its school-level funding in March 2019.³⁸

In FY20, the ODLSS Budget Summary and Position Summary shows an increase of \$83 million to district-run schools and an additional 537 special education positions from the number budgeted in FY19.³⁹

³⁷ As of 20th day SY19: Students with IEPs total 50,772 and students with 504 plans total 16,037, CPS School Data, Demographics, School Year 2018-2019, <https://cps.edu/SchoolData/Pages/SchoolData.aspx>; CPS FOIA Request N007006-062419.

³⁸ In FY17 and FY18, CPS used student-based budgeting method and merged special education funds to individual schools with general education funds. Then, CPS allocated the total budget with a 4% reduction of the merged amount to schools. See Access Living's CPS Budget Review FY2019, pp 13-15.

³⁹ This figure is based on the FY19 Adopted budget amount in the CPS FY20 budget book, pp. 70-71. The \$83 million increase in FY20 takes into account the \$64 million charter funding included in the FY20 ODLSS Budget.

FY19-FY20 ODLSS Budget Summary

	2019 Approved Budget	2019 Ending Budget	2019 Projected Expenditures	2020 Proposed Budget
General Funds	\$ 229,263,745	\$ 239,608,606	\$ 231,818,905	\$ 249,313,019
Other Grant Funds	\$ 21,136,655	\$ 18,536,465	\$ 16,048,430	\$ 18,062,124
School Generated Funds	\$ -	\$ 1,000	\$ -	\$ -
Total Department	\$ 250,400,400	\$ 258,146,071	\$ 247,867,335	\$ 267,375,143
Budgeted at Schools	\$ 598,789,613	\$ 604,566,088	\$ 595,317,709	\$ 707,180,882
FY20 Post Budget Allocations	\$-	\$-	\$-	\$ 11,782,230
New Priority Investments for FY2020 - Nurses, Social Workers, Case Managers	\$-	\$-	\$-	\$ 10,000,000
Grand Total	\$ 849,190,013	\$ 862,712,159	\$ 843,185,044	\$ 996,338,255

Source: CPS FY20 Proposed Budget, p. 70.

In FY19, the ODLSS budget did not include special education funding to charter schools.⁴⁰ In FY20, the charter school funding model changed and special education funding is delivered through ODLSS, adding \$64 million to the department’s FY20 budget.⁴¹ Therefore, the actual ODLSS budget increase in FY20 is approximately \$83 million.⁴²

The “Total Department” budget of \$267 million is for districtwide services, including citywide teachers, various related service providers, and support personnel. The “Budgeted at Schools” appropriation of \$707 million reflects CPS’s expenses for special education teachers and aides at district-run schools, including staff for cluster programs. The “FY20 Post Budget Allocations” reflects additional teachers and aides at schools that CPS approved after the March 2019 school-level budget release.

⁴⁰ “In FY2019, charter schools received the majority of their special education funding as part of their Per Capita Tuition Charge (PCTC) per-pupil allocation rather than through ODLSS.” CPS FY20 Proposed Budget, p. 70.

⁴¹ *Id.*

⁴² FY20 Proposed Budget of \$ 996,338,255 less FY19 Approved Budget \$ 849,190,013 equals \$147 million; \$147 million less \$64 million (charter funding) equals \$83 million; FY20 Proposed Positions of 9,783.4 less FY19 Budgeted Positions of 9,246.5 equals 536.9 positions, CPS FY20 Proposed Budget, p. 70.

FY19-FY20 ODLSS Department Position Summary

	2019 Proposed Positions	2019 Budgeted Positions	2019 Ending Positions	2020 Proposed Positions
General Funds	1,441.2	1,475.2	1,708.4	1,708.4
Other Grant Funds	159.4	161.4	123.1	129.1
Total Department	1,600.6	1,636.6	1,831.5	1,837.5
Budgeted at Schools	7,225.9	7,609.9	8,077.4	7,677.9
FY20 Post Budget Allocations		-	-	173.0
New Priority Investments for FY2020 - Nurses, Social Workers, Case Managers		-	-	95.0
Grand Total	8,826.25	9,246.5	9,908.9	9,783.4

Source: CPS FY19 Adopted Budget, p. 71; CPS FY20 Proposed Budget, p. 70.

In FY20, ODLSS budgeted a total of 9,783.4 positions for special education instruction, related services, and support personnel, an increase of 537 positions from the FY19 budgeted number of positions. The “Budgeted at Schools” is a total number of special education teachers and aides at district-run schools, including staff for cluster programs. The “FY20 Post Budget Allocations” refers to the number of teacher and aide positions CPS approved after releasing its school-level funding in March 2019.

The notable point is that CPS’s 9,783.4 proposed positions in FY20 is 125.5 positions less than the 9,908.9 ending positions in FY19. Position cuts of special education teachers and aides at district-run schools total 226.5 positions.⁴³ This is because of CPS’s practice of allocating a minimum number of teachers with the school-level budget release and gradually adding more positions through a post-budget position request process. How CPS’s current position allocation method is negatively impacting the chronic special education staffing shortage is discussed on pp. 23-25 of this report.

In the above table, the “Total Department” positions includes the districtwide relative service providers, such as various therapists, nurses, and psychologists. It also includes support personnel for CPS’s special education program. The following table shows the districtwide relative service provider positions and budgets in FY20.

⁴³ FY19 Ending Positions Budgeted at Schools: 8,077.4; FY20 Proposed Positions Budgeted at Schools and Post-Budget Allocations total: 7,850.9.

FY20 ODLSS Related Service Providers – City Wide

Position Class	Job Code	Job Title	FY 2020 Approved Positions	FY 2020 Proposed Budget
Teacher	JC989200	Occupational Therapist	131.0	10,396,317
	JC989300	Physical Therapist	37.0	3,158,982
	JC000049	Regular Teacher	1.0	96,240
	JC986900	School Nurse	126.0	10,907,108
	JC986000	School Psychologist	230.0	20,352,880
	JC984100	School Social Worker	456.0	36,386,390
	JC989100	Teacher-Speech Pathologist	338.0	26,744,361
Teacher Total			1,319.0	108,042,278
Education Support Personnel	JC003618	Health Service Nurse	91.0	4,991,321
	JC003620	Hospital Licensed Prac Nurse	124.0	5,541,642
	JC504598	Resident Social Worker	16.0	744,625
Education Support Personnel Total			231.0	11,277,589
Grand Total			1,550.0	119,319,866

Source: CPS FY20 Proposed Budget, Online Interactive Budget, Budget by Unit, ODLSS. Note that the above Hospital Licensed Practitioner Nurse positions do not seem to include CPS's new initiative of hiring an additional 30 nurses during FY19-20.

In FY20, CPS budgeted a total of 1,550 related service providers, an increase of 233 positions from the FY19 budgeted number of positions.⁴⁴ Of the increased positions in FY20, 180 positions are social workers.

Issue 1: Continuing Special Education Staff Shortage Crisis in CPS

Since FY19, CPS has been expanding special education positions but the impact of increased positions is limited because of severe understaffing with consistent vacancies. The below table shows CPS's staffing status at the beginning of the 2017-18 and 2018-19 school years.

⁴⁴ ODLSS budgeted total 1,317 citywide related service providers in FY19, CPS FY19 Online Budget Interactive Reports, Budget by Unit, <https://cps.edu/FY19Budget/Pages/FY19Budget.aspx>.

Special Education Staffing as of September 2018

Position	September 2017			September 2018		
	Total positions allocated	Actually staffed	Vacant	Total positions allocated	Actually staffed	Vacant
Special Education Teachers	3,772	3,514	258	4,014	3,675	339
Aides (Special Ed Classroom Assistants)	3,514	3,268	246	3,823	3,576	247
Clinicians	1,362	1,208	154	1,542	1,319	223
Total	8,648	7,990	658	9,379	8,570	809

Source: Illinois State Board of Education Monitor Monthly Reports, October 2018, <https://www.isbe.net/Pages/ISBE-Monitor-Monthly-Reports.aspx>;

At the beginning of SY19, CPS had over 800 special education staff vacancies, including a shortage of almost 340 teachers, with a total of 9,379 allocated positions to schools. It was an increase of 731 positions from the total 8,648 positions allocated in SY18. In FY20, CPS allocated a total of 9,783.4 positions for ODLSS, 400 positions more than the number of positions allocated in early FY19.⁴⁵

Still, allocating more special education teachers and service providers is not a complimentary service increase. Rather, the increase in the total budgeted positions in the FY20 budget confirms CPS's recognition of the need for those positions to provide mandated services to students as required by their IEPs and 504 plans. It seems likely a result of the ISBE corrective actions on removing systemic barriers after ISBE found those systemic barriers caused delay and denial of special education services. Nonetheless, the increase in the budgeted positions does not mean actual teachers, aides, and clinicians will be in schools for those students in FY20. Based on the previous years' vacancy record, CPS will likely begin the 2019-20 school year with another severe special education staffing shortage again.

Ironically, CPS's expansion of services for students with disabilities does not always support students evenly. For example, in FY19, for the first time, CPS created 94 dedicated special education case manager positions at 78 schools based on the number of students with IEPs.⁴⁶

⁴⁵ Note that the 9,783.4 positions in FY20 include ODLSS administrative staff in addition to teachers, aides, and clinicians allocated to schools; CPS FY20 Proposed Budget, p. 70.

⁴⁶ CPS Press Release, *Mayor Emanuel and CPS to Hire More Than 250 Social Workers and Special Education Case Workers to Support Students in High Needs Communities*, July 16, 2018, https://cps.edu/News/Press_releases/Pages/PR1_07_16_2018.aspx.

By the end of March 2019, 94 case manager positions were filled.⁴⁷ However, almost 80% of these case managers were existing special education teachers in CPS.⁴⁸ That is, 74 CPS schools lost special education teachers for their students with disabilities and needed to find new teachers for them. While some students received the benefit of having dedicated case managers for their IEP meetings, others lost their teachers and their schools needed to find new teachers despite severe staffing shortages. CPS's Key Budget Initiative for FY20 includes hiring an additional 30 special education case managers.⁴⁹ Will CPS be able to find candidates from outside the district without hurting the existing number of special education teachers? Ultimately this is an issue of meeting the overall demand for special education teachers and case managers. CPS must find ways to recruit more special education teachers and other supporting staff from outside of the district while also maintaining the existing number of teachers and service providers.

CPS's consistent special education staffing vacancies leads to the next question: Is CPS providing instruction and related service minutes mandated by students' IEPs regardless of teacher absence? According to WBEZ's analysis, in FY19, "almost a third of 520 district-run schools — 152 (schools) — had at least one regular education or special education teacher position open all year long."⁵⁰ The teacher shortage is more severe at schools serving minority students from low-income households so these students are "twice as likely as all other schools to have a yearlong teacher vacancy."⁵¹ The following are the key findings of the WBEZ analysis on special education teacher shortage in CPS:

- About half of all Chicago public schools had at least one empty special education teacher position in each quarter of last year.
- 100 special education positions stayed open for at least three months. Another 100 stayed open the entire 2018-19 school year.
- More than 130 schools got a substitute teacher less than half the time they requested one.

⁴⁷ CPS Employee Position Roster 03312019,

https://cps.edu/About_CPS/Financial_information/Pages/EmployeePositionFiles.aspx.

⁴⁸ Out of the 94 case managers, there were only 6 new hires. Of the new case managers, 74 were special education teachers, 9 were school counselors, and 3 were regular teachers, CPS Employee Position Roster 03312018 and 03312019.

⁴⁹ CPS FY20 Proposed Budget, p. 71.

⁵⁰ Sarah Karp, WBEZ News, *Hundreds Of Chicago Schools Go Without Teachers And Subs — Mostly In Schools Serving Black Students*, Aug. 4, 2019, <https://www.wbez.org/shows/wbez-news/hundreds-of-chicago-schools-go-without-teachers-and-subs-mostly-in-schools-serving-black-students/3d22d97b-e5ee-4ff1-8722-f25c39c02c7f>.

⁵¹ *Id.*

- Due to the overall teacher shortage, special education teachers sometimes are pulled away from their students to cover for an absent teacher in a general education classroom.⁵²

Currently, there is no system in CPS tracking missing instruction minutes. The ISBE Monitor recommends that CPS needs to “mandate that principals prove special education students are getting instruction, whether they have a teacher or not.”⁵³ Still, long-term vacancies with unfilled open teacher positions are out of the principals’ control. As of May 2019, CPS had almost 500 special education teacher vacancies and over 160 special education aide vacancies.⁵⁴

Access Living strongly recommends:

- CPS improve the working environment for special education teachers and supporting staff. Although the teacher shortage is a statewide pipeline issue, CPS’s working condition for its staff is a barrier for the district to recruit additional high-quality teachers.
- CPS establish a system ensuring the delivery of education and related services to students as required by their IEPs and 504 plans. To be accountable, CPS must take affirmative steps to track missing service minutes and provide compensatory services to students.

Issue 2: CPS Cut Teacher Positions in FY20 regardless of Vacancies

CPS’s current position allocation method adds more stress to the district’s teacher shortage crisis by not considering ongoing vacancies before laying off teachers. Although CPS had almost 300 special education teacher vacancies, the district still cut 64 special education teacher positions with its school-level budget for FY20.⁵⁵

CPS allocates special education teachers and aides to schools with the release of their school-level budget. For the 2019-20 school year, CPS released its school-level budget on March 25,

⁵² Sarah Karp, WBEZ News, *Hundreds Of Chicago Schools Go Without Teachers And Subs — Mostly In Schools Serving Black Students*, Aug. 4, 2019, <https://www.wbez.org/shows/wbez-news/hundreds-of-chicago-schools-go-without-teachers-and-subs-mostly-in-schools-serving-black-students/3d22d97b-e5ee-4ff1-8722-f25c39c02c7f>.

⁵³ *Id.*

⁵⁴ CPS FOIA Request N006855-051419, As of May 2019, CPS had a total of 5,409 special education teacher positions with 486 vacancies and a total of 4,214 special education paraprofessional positions with 162 vacancies.

⁵⁵ As of March 31st, 2019, 298 special education teacher positions were vacant. As of May 20th 2019, CPS was short of 486 special education teacher positions, CPS Employee Position Roster 03312019, https://cps.edu/About_CPS/Financial_information/Pages/EmployeePositionFiles.aspx; ODLSS Budget office’s presentation to Parent Advisory Council, Update for ODLSS School Budget: School Year Budget 2019-20, Teacher Allocation Review Flow Chart, May 9, 2019, slide 3; CPS FOIA Request N006855-051419.

2019 and allocated a total of 3,573.5 special education teacher positions to its schools.⁵⁶ That is a decrease of 58 positions from the existing teacher positions of 3,631.5.⁵⁷ The following table shows CPS’s trend of special education position allocation with FY19 through FY20 budgeting phases.

CPS Special Education Position Allocation Changes in FY19-FY20

	FY19 Positions with School- Level Budget (April 2018)	Increase in FY19	FY19 Positions (Mar 2019)	Position adjustment made by ODLSS	FY20 Proposed with School Level Budget (Mar 2019)	FY20 Proposed Budget (July 2019)
Non-Cluster Teachers	2,861.0	153.0	3,014.0	(64.0)	2,950.0	
Cluster Teachers	613.5	4.0	617.5	6.0	623.5	
Total SPED Teachers	3,474.5	157.0	3,631.5	(58.0)	3,573.5	
Non-Cluster Aides	2,285.0	337.0	2,622.0	(298.0)	2,324.0	
Cluster Aides	1,374.0	105.0	1,479.0	40.0	1,519.0	
Total SPED Aides	3,659.0	442.0	4,101.0	(258.0)	3,843.0	
Grand Total	7,133.5	599.0	7,732.5	(316.0)	7,416.5	7,850.9

Source: Update for ODLSS School Budget: School Year Budget 2019-20, CPS ODLSS Budget Office; CPS FY20 Proposed Budget, p. 70.

Once CPS makes position allocation to schools, the burden is on individual schools to make post-budget position requests (budget appeal) and prove their needs for additional positions based on their students’ IEP needs. Between the release of the school-level budget and August 1st, CPS schools need to win the budget appeal process to open a teacher or aide position. Ideally, during the summer, the laid-off special education teachers and aides should be able to find positions at other CPS schools with open positions. However, due to the complicated budget appeal process, open teacher positions are not fully available when CPS lays off teachers and support staff. As a result, CPS forces newly unemployed special education teachers to find jobs in other districts. CPS must do its best to retain every special education teacher working in the district because it cannot afford losing even one teacher with over 300 ongoing vacancies.

⁵⁶ ODLSS Budget office’s presentation to Parent Advisory Council, Update for ODLSS School Budget: School Year Budget 2019-20, Teacher Allocation Review Flow Chart, May 9, 2019, slide 3.

⁵⁷ *Id.*

Nonetheless, CPS’s position allocation practice is designed to lose teachers, rather than keep them.

CPS states that position allocation is made with school-by-school analysis based on individual students’ IEP needs. In this analysis, the ODLSS district representatives (DRs) review “8th grade age-outs and [incoming kindergarten] enrollment trends that could cause significant enrollment drop in next school year.”⁵⁸ That is, ODLSS DRs likely subtract a certain amount of 8th graders’ IEP instruction minutes in light of the incoming kindergarteners’ IEP minute estimates. The end result is almost always CPS allocating an insufficient number of special education positions at first and gradually adding positions through schools’ post-budget position requests (budget appeal). This practice is reflected in the FY19-FY20 ODLSS Department Position Summary table on page 19 with an over 600 position increase from the 2019 budgeted positions and the 2019 ending positions.⁵⁹

Access Living strongly recommends that CPS revise its position allocation method with the ongoing vacancies in mind. In particular, we recommend:

- CPS hold “adjusted positions for school-level budget” for other schools with vacancies. With an average of over 300 special education teacher vacancies throughout the year, CPS must take affirmative steps to retain the existing teachers. Keeping those 64 teachers would not have caused any waste of expenses because the district had five times more teacher vacancies.
- Reexamine ODLSS DRs analysis of “8th grade age-outs and [incoming kindergarten] enrollment trends that could cause significant enrollment drop in next school year.” Underestimating the necessary number of teachers and aides has been a pattern of budgeting practice by CPS.
- Launch a “Special Education Opportunity School Program” focusing on recruiting and retaining qualified special education teachers and aides for schools with high levels of special educator vacancies and turnover. One of the top priorities of this Program must be retaining special education staff whose positions are removed with the school-level budget.

⁵⁸ ODLSS Budget office’s presentation to Parent Advisory Council, *Update for ODLSS School Budget: School Year Budget 2019-20, Teacher Allocation Review Flow Chart*, May 9, 2019, slide 11.

⁵⁹ The 662.4 position increase is a combination of the FY19 post school budget allocation and the FY19 additional positions throughout the FY19 school year.

Issue 3: CPS Must Appropriate Funding for the Student Specific Corrective Action

In FY20, CPS will need to provide additional Student Specific Corrective Action (SSCA) meetings and possible compensatory services to almost 25% of its students with disabilities,⁶⁰ but the district did not appropriate any funds for the state ordered SSCA.

The ISBE Public Inquiry is the state's investigation into the CPS special education policies and procedures. In November 2017, a group of thirteen Chicago special education organizations and advocates (Advocates), including Access Living, urged the state to investigate CPS's cost saving-driven policies for resulting in delay and denial of special education services.⁶¹ On May 16, 2018, the ISBE found that CPS violated the federal special education law, IDEA, and the Board unanimously voted for the findings and the agency's recommendations and corrective actions.⁶² ISBE also appointed a monitor to oversee CPS's special education policies and practices until 2021.

Under the ISBE monitor's oversight, CPS implemented various corrective actions ordered by ISBE.⁶³ SSCA is one of the essential corrective actions meant to provide remedies to students who were harmed by CPS. SSCA orders CPS to provide compensatory education services to students whose services were illegally delayed and/or denied during the 2016-17 and 2017-18 school years. After a yearlong delay, CPS is about to take steps to implement the SSCA in FY20 without a dedicated budget for it. In terms of budgeting, the following components of SSCA are critical:

- The scope of SSCA meeting: Students whose services were delayed and/or denied during the 2016-17 and 2017-18 school years. CPS has identified almost 13,000 students initially eligible for a SSCA meeting.⁶⁴ The number of students will likely increase because CPS has not completed the data review and parents can also come forward and request a SSCA meeting during the 2019-20 school year. Delayed and/or denied services applicable for SSCA meeting are:
 - Paraprofessional support (Aides),

⁶⁰ Board of Education of the City of Chicago Law Department, CPS Response to the Letter from the Advocates, *Advocates Questions and Concerns on SSCA Implementation Plan*, Aug. 14, 2019.

⁶¹ The special education advocacy coalition includes: Access Living; the Shriver Center on Poverty Law; Chicago Principals and Administrators Association; the Chicago Teachers Union; Parents 4 Teachers; Ounce of Prevention Fund; Legal Council for Health Justice; Raise Your Hand for IL Public Education; Legal Aid Chicago (formerly known as Legal Assistance Foundation); Equip For Equality; Potter and Bolanos, LLC; Matt Cohen and Associates; 19th Ward Parents for Special Education.

⁶² ISBE, *Memorandum: Corrective Action and Recommendations Stemming from the Public Inquiry into Special Education Policies at Chicago Public Schools*, May 16, 2018, <https://www.isbe.net/Documents/Corrective-Action-Report.pdf>.

⁶³ See ISBE Monitoring on CPS: 1st Year Review in this report on pp. 29-35 of this report.

⁶⁴ Board of Education of the City of Chicago Law Department, CPS Response to the Letter from the Advocates, *Advocates Questions and Concerns on SSCA Implementation Plan*, Aug. 14, 2019.

- Transportation services (Bus service),
- Extended School Year (Summer school),
- Placement in a therapeutic day school (Outside school placements), and/or
- Identification as a student having a specific learning disability.⁶⁵
- CPS provides almost 51,000 annual IEP meetings and tentative IEP meetings upon request by parents.⁶⁶ Increasing the number of meetings by 25% will greatly stress the CPS special education staff's workload who are already stretched thin with an average of 300 special education teacher vacancies and only 94 dedicated case managers. However, CPS's FY20 budget is not addressing this issue.
- In the SSCA meeting, the current IEP team will determine if the student could not make expected progress due to any systemic delay and/or denial of the above services during the 2016-17 and 2017-18 school years. If so, the IEP team will award applicable compensatory services as remedy to the student. CPS proposed the following services as the menu of SSCA remedies:
 - Tutoring by preferably CPS special education teachers with overtime rate. If enough teachers do not volunteer, CPS will issue a request for proposal for private vendors to provide tutoring;
 - Access to a Chromebook with Google Read and Write extension;
 - Extended School Year (Summer school);
 - Transportation mileage reimbursement for parents who self-transported;
 - Relative service provider support if a student missed 10 or more consecutive days due to lack of transportation;
 - Placement in a therapeutic day school (Outside school placements); and/or
 - Initiating full individual evaluation for specific learning disabilities identification.⁶⁷

As of today, CPS's FY20 budget does not include any appropriation for the SSCA services that the district will need to provide as required by ISBE. In the Public Inquiry, the ISBE found that all four systemic issues with the CPS special education program, including budgeting system, resulted in systemic delay and denial of services during FY17 and FY18.⁶⁸ In FY17 alone, CPS

⁶⁵ Board of Education of the City of Chicago Law Department, CPS Response to the Letter from the Advocates, *Advocates Questions and Concerns on SSCA Implementation Plan*, Aug. 14, 2019.

⁶⁶ CPS School Data, Demographics, School Year 2018-2019, <https://cps.edu/SchoolData/Pages/SchoolData.aspx>.

⁶⁷ This proposed menu of SSCA remedies is waiting for ISBE's final approval, Board of Education of the City of Chicago Law Department, CPS Response to the Letter from the Advocates, *Advocates Questions and Concerns on SSCA Implementation Plan*, Aug. 14, 2019.

⁶⁸ The four issues are: locks and blocks in the electronic IEP system, burdensome data requirements for various special education services, budgeting system including budget appeal process, and transportation policies; See ISBE, *Public Inquiry into Special Education Policy and Procedures in the Chicago Public Schools, Areas of Inquiry - Statement of Issues and Implicated Legal Standards*, <https://www.isbe.net/Documents/Statementofissues.pdf>.

saved \$15.6 million by denying schools' requests for more funding to provide students with their IEP required services.⁶⁹

Access Living strongly recommends:

- CPS immediately appropriate a substantial amount of funds for the SSCA implementation and remedial services as a separate line item from the overall special education funds for instruction and related services so the stakeholders can review the SSCA implementation status by comparing the budgeted amount and actual expenditures after FY20.

⁶⁹ Access Living CPS Budget Review FY2019, p. 15.

ISBE Monitoring on CPS Special Education: First Year Review

In November 2017, Chicago Special Education Advocates Coalition (Advocates),⁷⁰ a group including Access Living, urged the Illinois State Board of Education (ISBE) to conduct a Public Inquiry into CPS's special education policies and practices by sending the Advocates' Open Letter to the ISBE.⁷¹ In the letter, the Advocates asked the ISBE to investigate the WBEZ radio report⁷² of cost saving-driven policy changes apparently resulting in delay and denial of special education services, as well as other related issues of which the Advocates were aware. In the Public Inquiry, the ISBE examined four issues as to CPS's alleged systemic delay or denial of special education services and found that CPS violated the Individuals with Disabilities Education Act (IDEA) with all four issues as follows:⁷³

- (1) Does CPS's electronic IEP system, either alone or in conjunction with CPS's Policies and Procedures, result in an unlawful denial or delay of required services or limitations on the required continuum of services to students?
- (2) Do CPS's documentation and data collection requirements result in unlawful denial or delay in the identification of eligibility or provision of special education and related services to students?
- (3) Does CPS's budgeting system result in unlawful denial or delay in the provision of special education and related services to students?
- (4) Have CPS's policies regarding transportation resulted in an unlawful denial or delay in the provision of needed transportation services to students?

Systemic Correction of the CPS Special Education Program

Following the Public Inquiry, in June 2018, the ISBE appointed an ISBE Monitor, Laura Boedeker, and began correcting the special education policies and procedures identified as having violated the IDEA. Below are the ISBE's reformative actions.

⁷⁰ The special education advocacy coalition includes: Access Living; the Shriver Center on Poverty Law; Chicago Principals and Administrators Association; the Chicago Teachers Union; Parents 4 Teachers; Ounce of Prevention Fund; Legal Council for Health Justice; Raise Your Hand for IL Public Education; Legal Aid Chicago (formerly known as Legal Assistance Foundation); Equip For Equality; Potter and Bolanos, LLC; Matt Cohen and Associates; 19th Ward Parents for Special Education.

⁷¹ Advocates, *Advocates' Open Letter to the ISBE Board*, Nov. 16, 2017, <https://www.isbe.net/Documents/Open-Letter-to-ISBE-Board.pdf>.

⁷² Sarah Karp, *WBEZ Investigation: CPS Secretly Overhauled Special Education At Students' Expense*, Oct. 16, 2017, <https://www.wbez.org/shows/wbez-news/wbez-investigation-cps-secretly-overhauled-special-education-at-students-expense/2f6907ea-6ad2-4557-9a03-7da60710f8f9>.

⁷³ ISBE, *Corrective Action Report*, May 16, 2018, <https://www.isbe.net/publicinquiry>.

- (1) Removal of unlawful blocks and locks in the electronic IEP system:** This corresponds to the first issue that the Public Inquiry examined. The ISBE ordered CPS to remove unlawful blocks and locks in the electronic IEP system so IEP teams have full access to the system and can make decisions regarding a student’s needs without undue influence by administrators. Previously, these electronic blocks and locks in the IEP system prevented IEP teams from adding necessary services to a student’s IEP without a district administrator’s confirmation and often resulted in delay or denial of services. As of today, unlawful blocks and locks do not formally exist in CPS’s electronic IEP system. The ISBE Monitor is also available to review any blocks still existing in the system.
- (2) Removal of the onerous data collection requirement:** This corresponds to the second issue that the Public Inquiry examined. The ISBE ordered CPS to simplify data collection requirements for eligibility in the category of Specific Learning Disability; for consideration of placement in a therapeutic school; for related services including paraprofessionals, transportation, and extended school year; and any other related service that requires data collections. CPS previously required its special education staff to collect a burdensome amount of data to justify related services. ISBE found that such requirement strictly based on the quantity of data often resulted in delay or denial of services and ordered CPS to simplify the requirement. As of today, upon the ISBE’s guidance, CPS allows both quantitative and qualitative information⁷⁴ as supporting evidence for related services.
- (3) Correction of the CPS Special Education Procedural Manual:** To redress all four issues, ISBE ordered CPS to revise its special education “Procedural Manual” to be consistent with the IDEA. CPS was also required to seek approval from the ISBE Monitor prior to changing or adopting any special education policies or procedures. CPS uses its Procedural Manual as a basis for all special education policies and procedures, including the electronic IEP system. ISBE found that CPS’s special education policies and procedures in the previous procedural manual violated the IDEA and its implementing regulations. As of today, CPS uses a revised “Procedural Manual” approved by the ISBE.
- (4) Safeguarding the special education budgeting and appeal process:** This corresponds to the third issue that the Public Inquiry examined. In order to prevent systemic denial of additional special education staffing, the ISBE Monitor reviews all special education

⁷⁴ In contrast to quantitative information, qualitative information does not require a certain amount of information, such as observation records for a specific number of days. A single document or information, including input of the parents and the parents’ private providers, can be qualitative information as long as it sufficiently shows a student’s need for service.

staffing appeals (requests) and subsequent decisions by CPS to ensure there are no unwarranted denials of services to students. Prior to CPS's 2016 shift to student-based budgeting (SBB), CPS Office of Diverse Learner Supports and Services (ODLSS) funded all special education positions and allocated those positions to its schools. In SY16-17 and SY17-18, with SBB, CPS provided a merged education budget to schools for both general education and special education services with a 4% reduction of the total budget to start with.⁷⁵ This merged budgeting (SBB) created inappropriate pressure on individual schools to save already insufficient funds by limiting special education services.

Although individual schools could file a budget appeal for additional special education staff, CPS denied most of the special education staffing appeals regardless of students' IEP needs.⁷⁶ While ISBE was examining whether CPS's budgeting system resulted in unlawful denial or delay, CPS discarded its SBB method and returned to the pre-SY16-17 budgeting method of special education position allocation to schools by the central office. Later ISBE found CPS's SBB method and appeal system led to systemic delays and denials of special education services. As of today, CPS ODLSS funds special education positions and allocates them to individual schools; however, the current budgeting method still burdens school efforts to secure necessary special education staff. Our discussion on the current issues with CPS budgeting process is included in an earlier chapter, CPS Funding for Special Education Services in FY20.

(5) Districtwide training on the special education policy changes: In order to change special education practice, ISBE conducted a 6-month-long districtwide training on the Public Inquiry and the changes to the special education policies.⁷⁷ However, ISBE's reform of the CPS special education program did not swiftly change CPS's longstanding unlawful practice in schools because of limited training efforts. ISBE also recognizes a need for continuous training for appropriate IEP practice in CPS schools.⁷⁸

In addition, the Advocates successfully campaigned with the Illinois General Assembly for the group's special education policy suggestions. House Bill 3302 included the Public Inquiry related requirements, such as CPS's notification to parents about the Public Inquiry, a list of the dispute resolution options that families can explore, and a list of legal assistance organizations

⁷⁵ ISBE Public Inquiry Team Memorandum, *Final Report of Public Inquiry (ISBE Inquiry Final Report)*, April 18, 2018, https://www.isbe.net/Documents/Public_Inquiry_Final_Report.pdf.

⁷⁶ Access Living CPS Budget Review FY2019, pp. 13-15, <https://www.accessliving.org/2018-CPS-Budget-Report>.

⁷⁷ According to the Monitor, a total of 25,473 teachers have participated in the mandated training in-person or via webinar by February 2019, ISBE, ISBE Monitor February 2019 Report, <https://www.isbe.net/Pages/ISBE-Monitor-Monthly-Reports.aspx>.

⁷⁸ *Id.*

available to provide guidance.⁷⁹ It also extends the filing timeline for state complaints against CPS to September 30, 2021, for the Public Inquiry related delays or denials of special education or related services resulting from CPS policies and procedures.⁸⁰ House Bill 3586 amends the IL School Code, which already requires CPS schools to provide all draft documents to parents at least three school days before an IEP or IEP eligibility meeting is scheduled to take place, to apply to parents throughout Illinois.⁸¹ It also requires the CPS Special Education Procedural Manual to be printed in any spoken language and accessible for individuals with disabilities.⁸² These bills were signed by the Governor of Illinois on August 23rd, 2019.

ISBE Monitoring: Key Challenges and Weaknesses for the 2nd Year

The state's first Public Inquiry resulted in the ISBE monitoring of CPS's special education policies and practices for the three years ending with SY20-21. Although ISBE removed unlawful policies and procedures, special education services for students did not get better. Rather, with ISBE's intervention, the CPS special education system only returned to the pre-SY 16-17 era. Access Living acknowledges ISBE's effort during the first year of monitoring and appreciates it. We also offer the following analysis of the challenges and weaknesses of the ISBE monitoring as our suggestion to ISBE for the second year initiatives in SY19-20.

(1) Uneven impact of the corrective actions in CPS schools: Although ISBE made CPS change its policies and procedures and conducted training sessions for the CPS staff, these changes are not evenly implemented and in practice in schools. Inadequate training and already onerous caseloads without much support obstructed teachers and other service providers from enacting changes in day-to-day practice. The Monitor's February 2019 report recognizes uneven IEP practice of CPS schools.⁸³ The severe teacher and other special education staff vacancies in CPS also contributed to the uneven effect of the ISBE's reform orders.

Recommendation: As noted above, ISBE's training on the newly corrected CPS special education policies and practices took 6 months to provide one training session (either in person or webinar) to all CPS special education staff. In order to fortify lawful special education practice, ISBE should strengthen the quantity and quality of staff training on special education practices, and those training sessions should be continuously provided throughout the monitoring period, rather than one training for all.

⁷⁹ Illinois General Assembly, House Bill 3302, <http://www.ilga.gov/>.

⁸⁰ *Id.*

⁸¹ Illinois General Assembly, House Bill 3586.

⁸² *Id.*

⁸³ ISBE Monitor, February 2019 Report, <https://www.isbe.net/Pages/ISBE-Monitor-Monthly-Reports.aspx>.

(2) Delayed compensatory education plan for harmed students: When ISBE found that CPS systemically delayed and denied special education services to students, ISBE also planned to identify harmed students and provide compensatory education services to them. It is officially called the “Student Specific Corrective Action (SSCA).” Despite the urgency to remedy the harm CPS caused to students, ISBE failed to implement a complete SSCA plan in its first monitoring year with CPS.⁸⁴ The current target date of rolling out the SSCA plan is the beginning of the SY19-20. Even if ISBE meets this revised timeline, many special education students will not receive compensatory education services until early 2020 because most of the IEP meetings are scheduled in the second half of the school year.

Recommendation: ISBE and CPS must complete the SSCA plan before the beginning of the SY19-20 and fully implement it in that year. To adequately remedy CPS’s delay and denial of services, all CPS parents, not just parents of identified students with disabilities, and special education staff should be informed and encouraged to ask for a SSCA meeting. In addition, ISBE and CPS must ensure that all IEP team members be aware of the purpose and appropriate procedure of a SSCA meeting and an appropriate and sufficient menu of compensatory education services be available for students. To ensure the best practices in the SSCA meeting, ISBE and CPS should provide intensive training to CPS staff on the SSCA scheme before the beginning of the SY19-20.

(3) Inadequate information dissemination to parents: Although ISBE ordered the corrective actions with CPS in May 2018, ISBE did not give notice to parents and guardians of students until November 2018, despite the Advocates’ repeated requests. Finally, in November 2018, ISBE’s authorized letter was released and offered to parents for the first time on a report card pickup day. Due to CPS’s inadequate cooperation, ISBE’s letter was not directly emailed to CPS families despite its districtwide emailing system. As a result, CPS parents are still not adequately informed of their children’s rights in relation to the Public Inquiry.

Recommendation: At the beginning of the SY19-20, ISBE and CPS must give notice to all CPS parents about the Public Inquiry findings and available resolution methods,

⁸⁴ Although ISBE attributes the delay of the SSCA plan to the Advocates’ disagreement on using the school IEP team and asking for the U.S. Department of Education Office of Special Education Programs’ (OSEP) written guidance, ISBE could prepare other components of the SSCA while waiting for the OSEP’s response, such as finding a prospective pool of students whose services might have been delayed or denied and a list of prospective service vendors. Neither ISBE nor CPS revealed substantive SSCA work improvement to the Advocates until April 2019. In Access Living’s perspective, lack of resources and inadequate staffing for the vast amount of work, essentially one monitor, mainly contributed to the delay of the SSCA implementation. Since April 2018, the Advocates have consistently requested that ISBE hire more staff for the Monitor team in light of the amount of corrective action work given to a single monitor. In May 2019, the Board finally decided to add two more staff to the Monitor Team: an additional monitor dedicated to the SSCA implementation and a principal consultant.

including the ISBE-guided SSCA for compensatory services, due process, state complaint, and mediation for students whose educational rights might have been violated by CPS during SY16-17 and SY17-18, with information of legal aid associations who can assist them. The notice must be sent to all CPS parents, not just CPS parents of students with disabilities, because ISBE found CPS delayed and denied identification of students who might have had a specific learning disability.

- (4) Systemic monitoring of the IDEA compliance:** Until March 2019, the Monitor had been releasing monthly monitoring reports, but these reports lacked the Monitor’s systemic monitoring results on CPS schools, such as a data analysis of schools with an abruptly low percentage of students receiving special education services.⁸⁵ In addition, the Monitor’s reports provided special education staffing data, including vacancies,⁸⁶ but they did not provide the systemic monitoring result such as vacancy analysis by schools or networks with the length of vacancy period, or whether students are still getting services with substitute staff at minimum, or if CPS is taking the necessary steps to provide compensatory services to those students with missing service minutes as required by the IDEA.

Recommendation: The ISBE Monitor should conduct systemic monitoring by collecting, recording, and analyzing CPS school data and release measurable data results showing the current IDEA compliance status of CPS special education practice. Parents, teachers, and other community stakeholders want to know what is happening in the schools. More systematic collection, dissemination and use of school data will be critical to informing the stakeholders of the IDEA compliance status of CPS schools. Systemic monitoring will also effectively identify current issues with the special education program and help ISBE to make sound evidence-based decisions to address them.

- (5) More Transparency and Accountability:** The ISBE Monitor’s report often lacks specific information on the issue areas regarding the monitoring activities. For example, the Monitor’s December 2018-January 2019 combined report states “Rogue schools” which patently disregard both CPS’s and ISBE’s directives and guidance on special education laws.⁸⁷ However, the report does not reveal how many schools in CPS are out of compliance, or how ISBE and CPS will address these schools’ continued flouting of the law. Another example is CPS’s budgeting process review by the Monitor. In the Spring 2019 report, the Monitor stated that CPS and the ISBE Monitor had several

⁸⁵ Until July 2019, the most recent monthly report available on the ISBE Monitor’s website was March 2019 report. In early July, it was converted to Spring 2019 report.

⁸⁶ ISBE Monitor, December 2018-January 2019 Report, <https://www.isbe.net/Pages/ISBE-Monitor-Monthly-Reports.aspx>

⁸⁷ *Id.*

sessions on the comprehensive budget overview but the Report does not offer the same information to the public.⁸⁸ Rather, the report states that the Monitor suggested CPS offer that information in a webinar that would be accessible to all stakeholders in order to “more fully explain the budget and allocation process”. As of August 2019, CPS did not distribute such information to all stakeholders. The ISBE Monitor’s monthly reports are the only channel for the public to learn of the Monitor’s corrective action activities regarding the CPS special education program. Moreover, although the ISBE Monitor’s website offers monthly reports, the Monitor does not release her report monthly. The latest Monitor’s report was released in March 2019.

Recommendation: ISBE should release the Monitor’s report every month with adequate and specific information to the public. Generalized statements without specific data of the Monitor’s activities on addressing specific concerns neither provide transparency, nor warrant accountability to the stakeholders.

(6) Special Education Post-Budget Release Position Request: Although the ISBE Monitor examines CPS’s decision on those requests for additional positions, still, schools likely begin the new school year with an inadequate number of positions due to CPS’s position allocation calculation method. When determining the number of positions that would be allocated to an elementary school, CPS subtracts graduating students’ IEP needs but does not adequately add estimated incoming kindergarteners’ IEP needs.⁸⁹ As a result, CPS elementary schools still carry a burden to request additional staff around the beginning of every school year. This burdensome process has inherent risk of delay of services to students with disabilities.

Recommendation: ISBE should find a way to minimize the above risk of service delay due to CPS’s allocation of insufficient special education staff to schools. The fair way of allocating special education staff is adequately estimating incoming kindergarten students’ service needs. Although student enrollment and needs are fluid components for budgeting, the current budgeting method, not sufficiently estimating incoming kindergarteners’ IEP needs, while subtracting graduating students’ IEP needs, will likely results in service delays. Moreover, even if CPS allocates positions generously counting an estimate of incoming kindergarten students’ service needs, with an average of over 300 special education teacher vacancies, CPS will hardly risk hiring unnecessary staff.

⁸⁸ ISBE Monitor, Spring (formerly March) 2019 Report, <https://www.isbe.net/Pages/ISBE-Monitor-Monthly-Reports.aspx>.

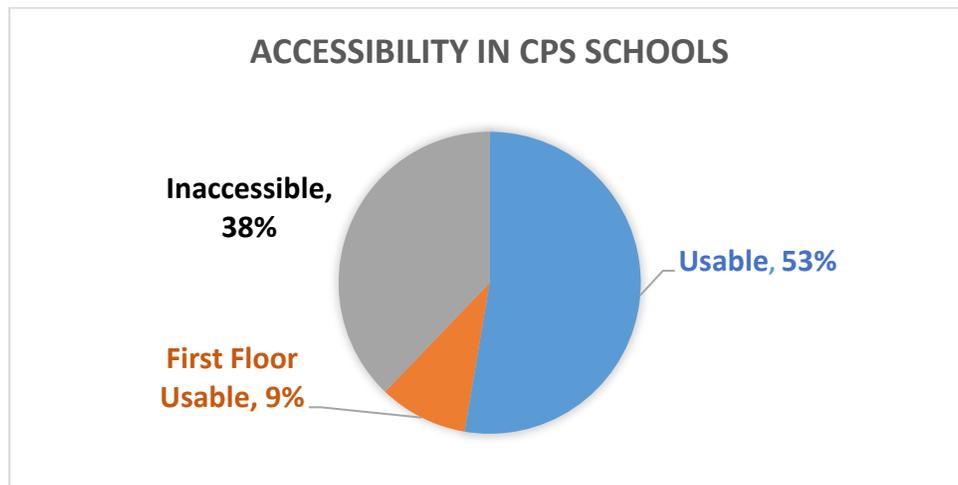
⁸⁹ We discussed this flawed budgeting method in the earlier chapter, *CPS Funding for Special Ed Services in FY20*, pp. 23-25 of this report.

Improving CPS Accessibility

The Americans with Disabilities Act (ADA) requires school programs to be accessible for people with disabilities, including students, parents, and community members who use school facilities. Previously, CPS had a proactive ADA accessibility implementation plan devoting nearly \$140 million over 5 years toward expanding accessibility under the former Mayor Daley. However, without meeting any particular target, the district stopped funding such improvements.

Current Status of Accessibility in CPS

CPS is the third largest school district in the US where over 360,000 students, their families, and over 35,000 staff spend their lives.⁹⁰ However, CPS stakeholders can hardly find accessibility information on its website. CPS's website (www.cps.edu) does not have a dedicated ADA accessibility page, where the public can find each school's accessibility status or other related information. Instead, a person can only find an accessibility report by digging out an individual school's information without much of a helpful guide.⁹¹



Source: CPS Educational Facilities Master Plan (Oct. 2018 Release); CPS ranks school accessibility according to its own standard which is distinct from the standards required by the ADA. Although distinct, the CPS standard is useful when considering current budgeting choices.

The CPS Educational Facilities Master Plan (EFMP) is the only publicly available report which provides the current status of ADA accessibility in CPS schools. According to the EFMP, as of

⁹⁰ CPS Stats and Facts, https://cps.edu/About_CPS/At-a-glance/Pages/Stats_and_facts.aspx.

⁹¹ In order to find if a certain CPS school is physically accessible, a person needs to (1) check "Schools" menu on the main page, www.cps.edu. Then, (2) choose "School Profile" and (3) type the school's name to go to the school's specific page. Among several menus on the specific school page, there is no indicator for accessibility information. The school "Overview" or "Reports" do not provide any accessibility information. (4) After clicking all other menus, under "Downloads," there is a 2014-15 accessibility summary report under the "Building" menu.

April 2018, still almost 40% of CPS schools are completely inaccessible for students with disabilities and other CPS families and staff members with disabilities. Those inaccessible schools lack basic accessibility features, such as a site arrival point, accessible parking, accessible route to the entry, or accessible first floor toilets.⁹² Only 53% of CPS schools are available for students with disabilities under the standards used by CPS.⁹³

To Improve Accessibility, CPS Must Make Schools Fully Accessible

In the CPS FY19 Budget Review, Access Living asked CPS to prioritize ADA accessibility in its capital improvement plan and appropriate a substantial amount to improve accessibility citywide. We are pleased to see that CPS appropriated \$10.5 million for the ADA Program and Accommodations for FY20. CPS explains its FY20 accessibility improvement plan as follows:

- Support for Students With Physical Limitations
We will invest \$10.5 million to increase ADA accessibility as part of a [five-year plan] to ensure ***all CPS buildings have first-floor accessibility***. While any major capital project contains relevant ADA upgrades, for the first time in more than a decade, CPS will set aside funds separate from existing capital upgrades or new construction to begin addressing this critically important need.⁹⁴

CPS's plan of making the first floor of schools accessible is miscalculated because students with mobility disabilities will not be able to attend those schools. To make a school fully accessible, it must have vertical accessibility features, such as an elevator, so students with mobility disabilities can have access to academic programs on higher floors. To a student with a mobility disability, there is insufficient difference between completely inaccessible schools and schools with the first floor access only. Thus, spending the \$10.5 million to make completely inaccessible schools first floor accessible will not enhance accessibility to CPS students.

To improve accessibility in CPS schools, Access Living recommends:

- CPS should focus on making inaccessible or partially accessible schools fully accessible by installing elevators and other first floor accessibility features. The priority is making a school fully accessible so a student with a mobility disability can access and enjoy the same academic programs as her peers without disabilities do.
- When determining the list of schools for the accessibility improvement project, CPS should prioritize schools with existing accessibility needs. For example, if a student with

⁹² "As of April 2018, "[t]here are currently 277 campuses classified as Usable, 50 classified as First Floor Usable, and 199 classified as Not Accessible," 2018 CPS Educational Facilities Master Plan, p.25, https://schoolreports.cps.edu/EFMP/EducationalFacilitiesMasterPlan_2018.pdf.

⁹³ *Id.*

⁹⁴ CPS FY20 Proposed Budget, pp. 5, 161.

a mobility disability wants to attend a neighborhood school with first floor access only, CPS should prioritize making the school fully accessible.

Access Living Recommendations

- 1. Teacher Vacancies:** CPS should improve the working environment for special education teachers and supporting staff. Although the teacher shortage is a statewide pipeline issue, CPS's working conditions for its staff is a barrier for the district to recruit additional high-quality special education teachers.
- 2. Accountability for Missing Education Services:** CPS must establish a system ensuring the delivery of education and related services to students as required by their IEPs and 504 plans, regardless of vacancies. CPS must establish a districtwide system tracking missing service minutes and providing compensatory services to students.
- 3. Flawed Position Allocation Method:** CPS should limit cutting teacher and aide positions and retain the existing teachers and aides with cut positions for other schools with vacancies. In addition, CPS must reexamine ODLSS DRs analysis of estimated number of positions for the following school year. Underestimating the necessary number of teachers and aides has been a pattern of budgeting practice by CPS.
- 4. Special Education Recruiting Support:** CPS should launch a "Special Education Opportunity School Program" focusing on recruiting and retaining qualified special education teachers and aides for schools with high levels of special educator vacancies and turnover. One of the top priorities of this program must be retaining special education staff whose positions are removed with the school-level budget.
- 5. Compensation for Delayed and/or Denied Special Education Services:** CPS must immediately appropriate a substantial amount of funds for the SSCA implementation and remedial services as a separate line item from the overall special education funds for instruction and related services. With this budgeting, the stakeholders must be able review the SSCA implementation status by comparing the budgeted amount and actual expenditures after FY20.
- 6. Improving Accessibility:** CPS should focus on making inaccessible or partially accessible schools fully accessible by installing elevators and other first floor accessibility features. The priority is making a school fully accessible so a student with a mobility disability can access and enjoy the same academic programs as her peers without disabilities do. When determining the list of schools for the accessibility improvement project, CPS should prioritize schools with existing accessibility needs.