

June 22, 2006

Kathleen C. Yannias
Court-Appointed Monitor
175 North Elmwood Avenue
Oak Park, Illinois 60302

Re: ***Corey H. et al. v. Board Of Education Of The City Of Chicago and Illinois State Board Of Education, 92 C 3409***

Dear Ms. Yannias:

As organizations that work in the interests of students with disabilities enrolled in the Chicago Public Schools, we request that you intervene in your role as Court-Appointed Monitor in the *Corey H.* case to restrain the Chicago Board of Education (CBOE) from implementing the special education staff reductions that are part of the Chicago Public Schools (CPS) FY07 Proposed Budget. Such reductions will inevitably lead to violations of key portions of the Settlement Agreement between the *Corey H.* plaintiffs and the CBOE.

The organizations filing this complaint are Access Living, which is the Center for Independent Living for the City of Chicago; Designs for Change, an educational reform organization and a Parent Training and Information Center; Equip for Equality, the Protection and Advocacy System for the State of Illinois; and Family Resource Center on Disabilities, a Parent Training and Information Center.

Proposed staffing reductions contained in the CPS FY07 budget include but are not limited to the following reductions:

A total of at least 950 special education positions are to be eliminated based on the FY07 budget. These positions constitute approximately 5.5% of the special education teaching force and over 20% of the aides known as Children's Welfare Attendants and Special Education Classroom Assistants.

The school-based reductions of special education staff constitute 47.7% of the 1,992 school-based reductions contained in the FY07 budget.

At special schools, 8.8% of the special education teaching positions have been eliminated.

At least 119 Children's Welfare Attendants whose job it is to physically assist students with significant disabilities will have their positions eliminated at the elementary school level.

These reductions are being made despite the extremely low achievement levels of students with disabilities in Chicago in reading and other subjects in spring 2005, as reflected in Attachment A. For example, only 5% of Chicago's students with disabilities met or exceeded state reading standards at the eleventh grade, as compared with 46% of students without disabilities. Severe and disproportionate reductions in staff who serve students with disabilities will further exacerbate such disparities.

We conclude that these staff reductions will violate Paragraph 60 of the Settlement Agreement between the CBOE and the plaintiffs, which requires sufficient staff in each school so children can be educated in the least restrictive environment (LRE). The reductions will also violate Paragraph 19 (b)(iii) and (iv) of the Settlement Agreement between the Illinois State Board of Education (ISBE) and the plaintiffs, which requires the ISBE to determine whether IEPs provide for a child to have access to, and the supports necessary to master, the regular education curriculum and whether the IEPs are actually implemented by qualified personnel in the LRE.

Moreover, we conclude that these staff reductions will have the following deleterious consequences:

Students with disabilities at a substantial number of CPS schools will not be provided with appropriate supports in the general education setting, and will not be able to master the general education curriculum, which is one of the purposes of Paragraph 13(b) of the Settlement Agreement between the CBOE and the plaintiffs.

Students with disabilities at a substantial number of CPS schools will not be provided with the support needed to attain high levels of academic achievement, which is one of the purposes of Paragraph 13(b) of the Settlement Agreement between the CBOE and the plaintiffs.

Students with more severe disabilities will not be provided with appropriate supports in the form of Children Welfare Attendants, Special Education Classroom Assistants, and certified Special Education Teachers to enable them to attend their home schools, contrary to Paragraph 13(b) of the Settlement Agreement between the CBOE and the plaintiffs.

Students with disabilities will not be provided with the tools they will need as adults to have meaningful employment and education, to live as independently

as possible, and to be integrated into their communities, contrary to Paragraph 13(b) of the Settlement Agreement between the CBOE and the plaintiffs.

For three continuous years, in what ISBE calls its *Corey H. district-wide findings* (developed pursuant to Paragraph 19(b) of the Settlement Agreement between the ISBE and the plaintiffs), ISBE has found that CPS failed to adequately staff schools and appropriately allocate staff. Pursuant to Paragraph 76 of the Settlement Agreement between the CBOE and the plaintiffs, the Monitor's own consultants documented CPS' failure to adequately staff schools and appropriately allocate staff.

The need for the Monitor to act is further intensified by the following considerations:

ISBE has persistently cited CPS staffing inadequacies, but these inadequacies have continued. ISBE has demonstrated an inability to correct these problems through its legally mandated enforcement efforts.

CPS has defended its inability to adequately staff special education positions by arguing that its best recruitment efforts have failed to result in sufficient staff. Yet the proposed special education staff reduction will result in the elimination of special education staff already in place.

The Court determined that a state wide restructuring of special education teacher certification requirements was needed to prepare and certify special education staff to teach students the general education curriculum in the LRE. New teachers who were prepared and certified under the new requirements were slowly being phased into the system. The reductions undermine these efforts to ensure that CPS employs staff with the appropriate credentials by eliminating teachers with the new certification, as they possess less seniority.

CPS has failed to adequately staff schools with special education staff and appropriately allocate staff to implement individual students' IEPs. In addition, students who had not been provided with appropriate staff in their home schools have subsequently been placed in more restrictive settings away from their home schools. The proposed staff reductions will exacerbate these problems.

As organizations and individuals working in the interests of students with disabilities enrolled in the Chicago Public Schools, we ask that the Monitor:

- (1) Conduct a fact based inquiry concerning the impact of the staffing reductions outlined in the CPS FY07 Proposed Budget on a school by school basis and make the results of that inquiry known to the public.
- (2) Conduct a fact-based inquiry to determine the procedures by which these planned staff reductions were determined.
- (3) Ask CPS to voluntarily refrain from implementing special education staffing reductions outlined in the CPS' FY07 Proposed Budget until such a

fact based inquiry has been completed and its results have been disseminated to the public.

(4) In the situation where CPS declines to voluntarily refrain from implementing staffing reductions outlined in the CPS FY07 Proposed Budget until a fact based inquiry has been completed, we request that the Monitor seek action from the Court to so enjoin the Chicago Public Schools.

(5) Act quickly on our request, because implementation of the reductions is scheduled to begin on or following June 28, 2006.

If you have any further questions, please do not hesitate to contact representatives of the four organizations that are filing this complaint:

Sincerely,

Access Living (Marca Bristo, 312-253-7000)

Designs for Change (Donald Moore, 312-236-7252, ext.236)

Equip For Equality (Barry Taylor, 312-341-0022 ext. 7317)

Family Resource Center on Disabilities (Charlotte Des Jardins, 312-939-3513)

cc: Sharon Soltman (for Plaintiffs)
John Elson (for Plaintiffs)
Chris Koch (ISBE)
Pat Folland (ISBE)
Respicio Vazquez (ISBE)
Jonathan Furr (ISBE)
Kathleen M. Gibbons (CPS)
Patrick Rocks (CPS)
Renee Grant-Mitchell (CPS)
Arne Duncan (CPS)
Michael Scott (CPS)
Karen Tamley (MOPD)