



CPS BROKE THE LAW AND YOUR CHILD MIGHT BE ABLE TO GET EXTRA SPECIAL EDUCATION SERVICES

The Illinois State Board of Education (ISBE) found that Chicago Public Schools (CPS) broke the law by delaying and denying special education services during the 2016-17 and 2017-18 school years. Because of this, your child may be able to get extra special education services. This is called “compensatory education.” This fact sheet will help you figure out how.

What is Compensatory Education?

Compensatory education is a way to get extra services for your child to make up for services they should have gotten and to put your child in the position she would have been in if she had gotten those services.

Who Can Get Compensatory Education?

Students who were delayed or denied services in one of the areas below AND who did not make expected progress as a result:

1. Paraprofessional support (aide),
2. Transportation services (bus),
3. Extended School Year (ESY) (special education summer school),
4. Placement in a therapeutic day school (outside school placement), and/or
5. Identification as a student with a specific learning disability (LD)

How do I get Compensatory Education?

There are three ways that you can get your child compensatory education:

1. IEP Team decision (also called “Student Specific Corrective Action” or SSCA)
2. ISBE Complaint
3. Due Process Hearing

This fact sheet tells you about each option and gives some pros and cons.

If you have questions or need help, call for FREE legal help:

Equip for Equality

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Option 1: IEP Team Meeting (or SSCA)

How Does It Work?

Your student's IEP team (including YOU) will decide if she should get extra services.

What Are the Pros?

- **Easy:** Will happen at the annual IEP meeting.
- **Fast:** Decision probably made at the IEP meeting.
- **Not Final:** If you don't like the decision, you can still use option 2 or 3.

When Will It Happen?

During the 2019-20 school year, probably at your student's annual IEP meeting.

What Are the Cons?

- **Unclear:** Who qualifies is not clear. IEP team may not understand who can get the services or how and what services to give.
- **Same Team:** The group deciding may be the same people who denied the services originally.
- **At IEP Meeting:** Might not be until end of year and time may be rushed to talk about compensatory education.

Option 2: ISBE Complaint

How Does It Work?

ISBE does an investigation and decides if your child should get extra services.

What Are the Pros?

- **Pretty Easy:** See our fact sheets on filing a complaint. ISBE will do the work of investigating your complaint.
- **Pretty Fast:** Completing the complaint doesn't take too long and ISBE should decide within 60 days.
- **Independent:** Decision is made by ISBE's staff, not the IEP team.

When Will It Happen?

After you file an ISBE Complaint. This must be done by **September 30, 2021**.

What Are the Cons?

- **No Hearing:** You don't do much except file the complaint and maybe answer some questions. You can't challenge the information CPS gives.
- **May Take Longer than 60 Days:** If many families file complaints, it might take longer than 60 days.
- **Fairly Final:** Although you can still request a due process hearing if you don't agree with what ISBE decides on your complaint, a due process hearing officer will likely follow the decision of ISBE.

Option 3: Due Process Hearing

How Does It Work?

There will be a hearing (like a trial) where you and CPS give your information, and the hearing officer (like a judge) will decide if your child should get extra services.

What Are the Pros?

- **Pre-Hearing Meeting:** CPS must give you a chance to have a meeting to see if you can agree on how to fix the problem (called a resolution meeting or mediation) before the hearing.
- **Hearing:** You are given all information that CPS will use. Both you and CPS can object to arguments or evidence from the other side. You have a better chance to say why CPS is wrong.
- **Hearing Officer (like a judge):** Is trained on the law and how to decide if a student should get extra services.
- **Remedy:** Hearing officers may be open to giving more services than might be given by the IEP Team or the ISBE Investigator.

When Will It Happen?

After you ask for a due process hearing. This must be done within **two years** of when you knew or should have known that CPS did something wrong.

What Are the Cons?

- **Complicated:** If you have a hearing, it is very complicated and you need to prepare a lot. Hearings can take 1 or more days and you might need expert support (like a doctor or therapist).
- **Slow:** Usually takes over 75 days and it could be longer.
- **Technical:** The hearing is a legal proceeding like a trial. You may have a hard time doing the hearing without an attorney.
- **Heated:** The hearings can be emotional for both sides. May cause problems between you and the school.

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