

March 15, 2023

Dear Ms. Shapiro:

Chicago Public Schools (CPS) is committed to serving students and providing high-quality instruction and educational experiences. This is the CPS response to the Equip for Equality's (EFE) Special Report from the Special Education Rights Clinic that relates to the services provided by Nancy B. Jefferson Alternative High School (NBJ). This is a follow-up to our prior response about some of the factual errors identified after our initial, preliminary review of this report.

Data Quality

CPS has significant concerns about the validity and reliability of the data collected as well as the claims and assertions made by EFE that stem from that data. The quality and quantity of some of the data referenced in this report calls into question if the data presented accurately measures what it purports to measure and/or if the integrity of the data is such that it maintains its consistency over time.

EFE's report referenced instruction provided during the COVID-19 pandemic. NBJ is an extremely unique, alternative high school where approximately 80 percent of the total student population is enrolled for fewer than 45 days¹, and some students are only on the school's roster for as few as two days. During this time, CPS was frequently adjusting policies and procedures due to evolving public health guidance. As such, NBJ is an atypical school providing alternative instruction during an atypical time. The atypical context of the majority of the data collection window has a significant impact on the quality of the data in this report and consequently, the ability to draw conclusions about the typical experience at NBJ during non-pandemic times.

Additionally, there are significant concerns about some of the data sources referenced throughout the report including sample size, reliable respondents, and relevant artifacts. For example, one participant shared that "work is often at the wrong levels and either too hard for some kids or like middle school work for other kids" (p. 3). An assessment of the alignment of tasks to individual students' instructional levels should be made by those with educational expertise. Additionally, data should be collected and analyzed to gauge the reported misalignment throughout the school. A participant interviewed by EFE reportedly said that "there was no speech therapy at NBJ" (p. 11). Was this verified with those in a position to speak to the staffing at NBJ? One staff member reportedly shared that "tons of kids never even get IEP meetings" (p. 6). A team member making such a claim should have the qualifications and citywide access to the system of record to confidently speak to the number of Individualized Education Program (IEP) meetings that are completed at NBJ.

¹ Student enrollment data was obtained by CPS systems of record

The allegations in this report about staffing and licensure are inaccurate and call into question the data sources used to substantiate these claims. EFE states that CPS failed to provide licensed special education teachers (p.12) and that "...NBJ must hire sufficient licensed special education teachers and related service providers..." (p. 13). The school currently has no teacher vacancies and there is a full complement of related service providers assigned to NBJ. The Reset Pod has two special education teachers assigned daily, while the Recovery/Stabilization Pod has four general education teachers and one special education teacher assigned during the school day. All CPS teachers, clinicians, and paraprofessionals hold a Professional Educator and/or Paraprofessional License issued by the Illinois State Board of Education (ISBE). Moreover, all faculty members are certified to educate students at the grade level and for the content areas they are assigned. Additionally, all CPS staff are required to successfully complete a background check.

There are instances where data presented is conflicting or misaligned with the conclusions drawn. For example, the report states that "in all instances where EFE observed classes in the Reset and Recovery pods there was only one general education teacher present" (p. 12). However, later in the report, it states that "when observing the Reset pod in January 2023...two teachers were present in the pod..." (p. 18). As noted above, there are two special education teachers assigned daily.

Service delivery notes and compliance reports refute allegations that NBJ "...fails to provide any of the necessary speech, occupational therapy...and physical therapy...services outlined in students' IEPs..." (p. 10). In December 2020, ISBE received a systemic complaint (Case Number 2021-CO-0045) regarding NBJ meeting timelines and other procedural requirements. CPS made critical improvements in this area after the complaint was issued. ISBE closed the matter in August 2022, indicating that the concerns had been addressed by CPS to the satisfaction of ISBE. successful completion by CPS of and complaint was successfully closed in August 2022. The information gathered in this report aligns with the same timeframe when CPS was making these critical improvements to respond to ISBE's complaint, and the conclusions drawn by EFE stand in contrast to ISBE's certification that CPS has satisfied the complaint. NBJ continues to maintain compliance by meeting deadlines and procedural requirements following the closure of the systemic complaint.

Special Education and Related Services

We disagree strongly with EFE's characterization of the student experience at NBJ.

NBJ is a relatively small, alternative high school that provides instruction to a student population awaiting adjudication of their cases, where almost half of the students have an IEP or 504 plan. Most students are only enrolled at NBJ for a short period of time. NBJ continues to make great efforts to adjust its programs and services given the transient nature of its student population.

The school serves students from within Chicago and beyond, and a significant number of these youth arrive at NBJ with IEPs that are out of compliance. The school works to bring their IEPs up to date, but the often brief and unpredictable nature of student enrollment can result in challenges.

NBJ follows a flexible, inclusive, multi-age instructional model. Its relatively small size and high-need student population make this a challenge, but CPS Network and District office team members regularly partner with school-based staff to monitor and support instructional practice and outcomes, including special education services and support, to fulfill our obligation to our students.

Because student enrollment at NBJ is typically temporary, we have implemented an extended discharge process that promotes continuity of instruction. For example, if students exit NBJ prior to earning credits, the school sends the receiving school a grade in progress (i.e., Behavior-Attendance-Grades Report) that can be used by the receiving school to determine final grades for students. NBJ graduates have two post-secondary opportunities: *I am College Bound* and *College and Career Readiness*. The case manager takes the lead to ensure all special education documentation is logged appropriately and ready for transfer.

CPS continues to collaborate with the Juvenile Temporary Detention Center (JTDC) to ensure alignment on policies and procedures and ensure resources are invested appropriately. This collaboration is ongoing to maintain a safe and orderly learning environment at NBJ. Vocational, career, and technical education courses are offered through this ongoing partnership, including positive programming like the barber and DJ programs, and we continue to add program offerings.

CPS and JTDC maintain a shared understanding of protocols, with a spotlight on shared oversight and accountability. Special considerations for special education, information sharing, and restorative behavior modification systems and the associated documentation are key elements of this work. CPS has increased training for staff supporting students in crisis, including and especially for students who may also have an IEP.

One specific area we are currently working to expand is our intake procedure – an expansion that aims to increase the ability of the NBJ staff members to assess needs and provide services accordingly. The case manager at NBJ already has citywide access to the CPS student services management system and is able to review the records of enrollees with IEPs and 504 plans from all schools throughout the city. The case manager regularly reviews a student service, meeting, and evaluation tracker to monitor, schedule, and facilitate student services. However, this expanded process will allow NBJ to conduct an individual needs assessment for *all* students who enroll without a specialized service plan already in place and align instructional placement and programming.

In conclusion, while we share EFE’s mission “to advance human and civil rights of children and adults with disabilities in Illinois,” we strongly disagree with their assessment. EFE’s report contains several inaccurate statements, as articulated above, and overall, the report fails to accurately characterize the student experience at NBJ and the support that CPS provides to NBJ’s student population. We hope that EFE amends their report to ensure that only factual information is contained. Finally, CPS is also submitting Exhibit A with additional information with respect to CPS’ efforts to support students at NBJ and concerns with EFE’s report and hereby incorporates CPS’ March 9, 2023 submission to EFE as Exhibit B.

Sincerely,

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