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Chicago Public Schools FY 09 Budget Review

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Proposed FY09 Education Budget makes limited reductions in special education staff while capital budget increases accessibility of schools

The FY09 budget makes minimal reductions in special education staff. Based on correspondence from the CPS Budget Officer we learned 89 CPS special education positions were eliminated by this budget and 2 special education aide positions were eliminated. This is radically different than in FY07 budget when CPS cut funds for instructional services to CPS students with disabilities by \$26 million.

The capital projects section of the budget proposes \$23 million for American with Disabilities Act (ADA) improvements for each fiscal year running from FY2009 to FY12 totaling \$92 million which Access Living supports. These ADA improvements will make numerous previously non-accessible schools open to students, staff, parents, grandparents, and members of the community who need these features. These improvements require CPS to look again at its whole contractual special education transportation system and the location of what are called “cluster programs.”

The current transportation system has limited numbers of full size lift buses. It is not designed for a school system that in the future should be providing shorter more fuel efficient bus rides to greater numbers of accessible schools rather than to a few schools designed for wheel chair users. Based on a recent Seventh Circuit Court of Appeals decision related to the on going *Corey H.* case CPS may need to disperse some concentrated programs for students with disabilities.¹ Any dispersion of students with more significant disabilities can reduce costs if the correct approach is taken. But the FY09 budget makes no plans for such efficiencies.

The FY09 budget increases by \$43 million funding directed towards special education services. But even with this increase the share of the total appropriations devoted to special education declined by two tens of a percent compared to FY2008.² This budget again reduced non-compensation funding for school

¹ Corey H. et al., Plaintiffs-Appelles v. The Board of Education of the City of Chicago, Defendant-Appellant No. 07-2084 July 17, 2008.

² FY09 budget at page 31 and FY08 budget at page 18.

based special education programs by \$3.8 million dollars or 4.5% compared to FY08. This reduction follows FY07 which reduced school based non-compensation funding by a full 25%. This non-compensation funding includes transportation of students with disabilities, tuition for out placed students, and many other things.

Funding and staffing decisions need to be outcomes based. Access Living and many other community organizations want to see a closing of the achievement gap between non-special education students and students with disabilities. As we have stated before we would like to see the CPS by 2014 reach or at least approach the No Child Left Behind standard of providing students with disabilities a fair, equal and significant opportunity to obtain a high quality education. To do this the CPS needs a framework or rubric for the measurement of each school's effectiveness in the delivery of services to students with disabilities in terms of academic achievement. Resources need to be driven, not just by attempting to comply with various regulations, but by attacking the enormous education deficits of students with disabilities attending the CPS.

For some students with disabilities attacking these deficits requires a core group of highly skilled teachers fully trained in regular education, special education, and in reading instruction. This educational approach is called a Universal Design for Learning and is discussed in this review.

The number of students with disabilities attending the CPS and the number of special education teachers

In June 2008 53,523 students with disabilities aged 3-21 were enrolled in CPS

Long term enrollment patterns for regular education students show continuing declines. The current enrollment for students with disabilities is also lower. In 2001 there were about 54,000 students with disabilities enrolled in CPS, and by 2008 there were 53,500 students with disabilities in CPS. Comparing data for June 2007 and June 2008 we saw a one year decline of 2,353 special education students.³ The

³ These figures come from CPS data filings in the *Corey H.* case.

CPS Budget Officer provided Access Living with a December 2007 special education enrollment figure and an estimated FY09 special education enrollment figure on which positions in the FY09 budget were based. CPS is estimating only a 1,474 decline in special education students. This compares to an overall decline in the total CPS student enrollment from 437,618 in 2001 to 408,601 in the fall of 2007, or a decline of 7%.⁴

CPS has provided data to Access Living that in FY07 there were 3,818.4 special education teaching positions in CPS schools including charter schools, in FY08 there were 3,796.8 such positions, and in FY09 there would be 3,707.8 positions. To put this in perspective in July 2004 CPS Office of Specialized Services stated it had 4,056 special education teaching positions.⁵ So from July 2004 to the current FY09 budget CPS eliminated 348.2 special education teaching positions which equates to 9% of its special education teaching positions.

The central administrative unit for Special Education located at the CPS central offices in FY96 had 120 positions; the FY09 budget it has only 46 positions. Some of these functions appear to have been relocated to regional offices, but it is unquestionable that there has been a massive reduction in what can be called the special education “bureaucracy” in the last three years. The critical question is whether CPS special education has become less efficient and responsive due to these reductions. We have no clear way to measure that critical issue.

Even with a five year period of staff reductions in special education teaching positions CPS still appears to have vacant special education teaching positions. In February 2008 the Chicago Board of Education again declared that special education teachers were designated as a special needs area and the residency policy was again waived for special education teachers as it has in prior year. CPS declared that in April 2006 there were 212 vacant special education teaching positions and by March 2007 that number had grown to 289.⁶ In the FY09 budget CPS indicates that it had approximately a 2.6% vacancy rate for teachers.⁷ Based on the budget’s FY09 estimate of 22,798 teachers in the district this would indicate that there are about 590 unfilled positions in CPS with about half of these being special education positions.

⁴ Special education enrollment data comes Illinois State Board of Education Reports, filings in the Corey H. case, or from US Department of Education National Center for Education Statistics. The 2007 fall enrollment data comes from the FY09 budget page 102.

⁵ Office of Specialized Services End of Year Report For School year ending 2004, p. 134.

⁶ Board Report 08-0227-RS15 February 27, 2008.

⁷ FY09 Budget at page 75.

The fiscal context of the FY08 budget

Last year CPS was forced to create estimates of funding from the State of Illinois the assumptions of receipts from Educational Services Block Grant. This year the final FY09 state budget is in place and the Governor issued amendatory vetoes that further reduced education funding by the time the CPS FY09 budget has been released. CPS has been undertaking a major public relations effort to increase funding from the State. At this time that effort has not been successful.

On July 23rd CPS held a joint press conference with the Mayor on the CPS budget. Several themes were emphasized during the presentation. First, because of the generalized economic decline in our country and the significant decline in real estate it was determined that property taxes would not be increased to fund the CPS. Second, CPS would make up funding deficits by using part of its unencumbered reserves totaling about \$100 million. Third, CPS would scale back various initiatives and make further cost reductions particularly related to transportation.⁸

Changes specifically relating to the busing of special education students to high schools who have more significant disabilities was discussed. A few days later CPS Board President Williams was interviewed by a local television station and he intimated CPS was looking at more extensive reductions in busing even for magnet programs in the future, but in order to not “shock the system” they would be rolled out in phases.⁹

Access Living believes the proposed plan to have multiple CPS high schools served by the same bus will result in some students with disabilities spending more time on these buses. In particular during the winter we anticipate numerous problems with this proposed cost savings measure.

The FY09 budget CPS assumes that even without a property tax increase that there will be a \$20.5 million increase in these revenues based only on newly constructed properties that are not subject to the property tax cap. The CPS projected a significant decline of \$24 million in taxes called personal property replacement taxes which are business related. The budget projects a decline in interest income of \$10.9 million. CPS for FY09 estimated that it will receive an additional \$225 per student in General State Aid.

Educational Services Block Grant provided by the State of Illinois to CPS is allowed under Illinois state law (105 ILCS 5/1D-1) and began in 1995. The educational services block grant includes the following programs: Bilingual, Regular and Vocational, Transportation, State Lunch and Free Breakfast Program,

⁸ Sadovi, C. (2008, July 24) “Chicago school officials to dip into reserves to fund budget” *Chicago Tribune*.

⁹ Fox News Chicago Sunday (July 27, 2008) Interview of Rufus Williams by Jack Conaty.

Special Education (Personnel, Transportation, Orphanage, and Private Tuition), Summer School, Educational Service Centers, and Administrator's Academy. The reimbursement process for the CPS is based on the 1995 fiscal year and CPS is not required to file any application or other claim in order to receive the education services block grant. CPS in its FY09 budget anticipates receiving a \$45.6 million dollar increase in these funds the majority of which are dedicated to special education. CPS in its FY09 budget also anticipates receiving \$1.6 million less in federal special education dollars than in FY08.

The CPS FY09 is based in part on at least one shaky assumption. That there will be no deterioration in the collection of property taxes during the current down turn. The CPS FY09 budget is 37% funded by property taxes.¹⁰ Any unanticipated decline in property tax collections can create problems for CPS.

The FY09 budget formally changed its fiscal reserves creating what it calls a “stabilization fund.” The fund is projected to contain \$258 million and according to the CPS “will not be utilized unless there is an unforeseen emergency, which requires a consensus decision among the Board members.”¹¹ There is no clear guideline as to what level of a decline in anticipated revenues or increase in operational costs would constitute an emergency or whether CPS would consider using short term anticipation notes or other such short term debt as an alternative to using the stabilization fund.¹²

As Access Living has noted in previous reviews of CPS budgets the Chicago Board of Education should re-establish a budget or audit subcommittee. On July 26th 1995 the Board suspended its own rule requiring a standing budget committee. This Board needs to have a standing finance oversight or audit committee, just like publicly held corporations do. The CPS is the largest employer in our State and its fiscal issues are extremely complex requiring budget or audit committee meetings that are subject to our state’s Open Meetings Act. Decisions like utilizing the stabilization fund or what constitutes a fiscal emergency should be discussed publicly in a budget committee and then brought to the full Board for final approval.

¹⁰ Chicago Public Schools (2008, August) “Budgeting for Every Child. A Citizen’s Guide to Understanding the Chicago Public Schools Budget,” p. 2.

¹¹ FY09 Budget at page 53.

¹² CPS policy 404.1 allows for the issuance of debt for “cash flow needs.”

CPS starts a major special education reform program without adequate funding

The CPS FY09 budget notes in passing a state funded pilot program called ASPIRE, the Alliance for School based problem solving and intervention resources in education.¹³ The intent of this program is laudable; it is to reduce the number of children unnecessarily placed in special education primarily because they are failing to learn to read. While the cost reductions that appear possible for CPS to realize by having a reduced number of special education students are appealing to the bottom line, there is no guarantee that the process will in fact reduce the flow of students into special education in an urban school district like Chicago.¹⁴ It is possible that many students will be delayed in receiving services and will require even greater service intensity with greater costs once they have enter the special education system.

The FY09 budget does not discuss the long term costs for the extension of ASPIRE pilot program to every CPS school including charters and contract schools which the CPS will be required to do by the Illinois State Board of Education.

Specifically 23 IAC 226.130(b) reads:

Provided that the requirements of this subsection (b) are met, each district shall, no later than the beginning of the 2010-11 school year, implement the use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure described in 34 CFR 300.304. When a district implements the use of a process of this type, the district shall not use any child's participation in the process as the basis for denying a parent's request for an evaluation.

This means that the small funded ASPIRE pilot program being implemented at 10 CPS schools will in just two years have to be implemented at every traditional CPS school, every charter school, every contract school, and every alternative school.¹⁵ The Illinois State Board of Education in what it calls its "State

¹³ FY09 budget at page 19.

¹⁴ The RtI process has not been implemented in any large urban school districts as yet where its effects can be studied. In relation to problems a good summary can be found in Tomsho, R. (2007, August 16) "Is an early-help program shortchanging kids?" *Wall Street Journal*.

¹⁵ The CPS ASPIRE grant provides: Access to scientifically-based progress monitoring software and data collection activities; Thirty dollar per hour stipend for participation in three-day summer institute. Schools may send up to 10 total staff members, who can be a combination of leadership team members and K-3 general education

Response to Intervention (RtI) Plan” issued on January 1, 2008 states in no uncertain terms it has no money to support broad school by school implementation of an ASPIRE like training program. The ISBE informs school districts since it has not mandated specific RtI interventions that school districts should look to use up to 15% of their allocated IDEA Part B flow-through funds to support implementation of RtI training and implementation. School districts should look to use federal funds for low income students, NCLB reform funds, or funds targeted to support services for English Language Learners. Most importantly ISBE reminds LEAs that “district general funds can be used.” To put it simply ISBE tells school districts, especially its largest one the CPS, to look any where and everywhere for money to train all school staff, not just special education staff, in RtI interventions. ISBE assures school districts it “will continue to pursue funding from other sources,” but ISBE itself will only provide coordination for professional development at the school and district level.

The failure of ISBE to secure funding from the General Assembly for RtI training will likely put this burden on CPS. The lack of funding will inevitably lead to a lack of effective training at the school level. Which will it turn create vast levels of confusion as to what constitutes an effective intervention for regular education teachers who will be required to implement interventions for students. The RtI process requires regular education teachers to carry out extensive documentation and record keeping related to the intervention process for children suspected of having learning disabilities and possibly other disabilities. This burden will fall heavily on regular education teachers in elementary schools.

As Access Living has repeatedly stated to ISBE we are not opposed to pre-referral intervention processes, as an organization we are opposed to the over identification of minority students in our state. But we are completely opposed to an RtI process that has no time limits and can go on indefinitely without moving to a full individualized evaluation of students as is required by IDEA. One reason it can go on indefinitely is because urban teachers with numerous low performing students in front of them will not have the time to implement effective interventions for these students and will not have the time to properly document those interventions.

The CPS needs to either role out a massive ASPIRE like training program that will have every CPS school ready to implement RtI by the 2010-11 school year using millions of its own funds, or CPS needs to oppose this unfunded mandate in Springfield. The clock is ticking.

representatives; Stipends for leadership team/school-based problem-solving team to voluntarily participate in two hour after school meetings up to four (4) times per year; Financial support for substitute release for up to two (2) leadership team members to visit other demonstration sites.

CPS Charter and Contract School Budgets as presented in the FY09 budget

In the FY08 budget for the first time the CPS budget provided school by school budget information inclusive of charter and contract schools. This information was contained on a CD-ROM that accompanied the written budget document. All of the charters or contract schools files we located on this CD-ROM had all funds listed under “discretionary/supplementary” or “other programs.” The column for “special education” was left blank for all of these schools.

In the FY09 budget CPS did not provide school by school budget information for charter and contract schools. The only information the FY09 budget provides on these schools appears on page 100 of the budget. It reads:

In FY09 there will be approximately 30 Charter schools, with 67 campuses, and 8 Contract schools across the city serving 28,311 students. Using the funding structure listed above [reference to a table on the page], the district estimates spending the following amount on Charter Schools in FY09:

\$208,000,000 for General Education Tuition

\$17,298,960 for SGSA

\$8,113,585 for NCLB

\$6,533,966 for Start up

\$4,303,165 for Expansion

Note: These totals do not include SpEd, After School programs, ELL, or any other programmatic funding provided to schools separately.

The FY09 budget has attached to it a CD-ROM. On the CD CPS provides what it calls the “school segment reports.” The CPS provides these reports for the following types of schools: Neighborhood Schools, Alternative Schools [only Jefferson and York are included all Youth Connection Charter School campuses are excluded], Citywide [no charters or contracts included], Early Childhood, Military, Performance Schools, Selective Enrollment, Small Schools [no charters or contract schools included], Special Education Schools, and Vocational Schools. There are no segment reports for any of the 67 charter campuses or 8 contract schools.

The segment reports for traditional CPS schools include very important information such as the total number of teachers in each school, enrollment data, cost break downs for administration, special

education and numerous other funding categories. Data is even provided on the percentage of students who get free lunch and reduced lunch based on income requirements.

Access Living on June 27, 2007 commented to the CPS Board meeting on problems with accounting associated with charters based upon an audit conducted by the US Department of Education's Inspector General dated June 7, 2007. In this audit the Inspector General wrote that "it appears as though CPS cannot identify its charter schools' expenditures."¹⁶ The failure of CPS in the FY09 budget documents to provide any school by school reports for charters and contract schools clearly demonstrates the on target nature of the criticisms made by the DOE Inspector General and raise real concerns about transparency of budgeting for charter and contract schools.

Special Education Appropriations as part of the overall CPS budget

Since our review of CPS's FY07 budget we have been commenting on the declining percentage of the overall budget devoted to special education. The current budget provides a slightly lower percentage of the overall budget, 10.4%, to special education where the FY08 budget, was at 10.6%.¹⁷ The FY09 special education budget is listed as \$505 million; the FY08 budget was \$491 million.

Another approach to the question is to look at the average spending per special education student. Using special education counts from June 2007 and June 2008¹⁸ we can come up with this approximate cost per student with a disability aged 3-21:

2007 \$8,789.59 average cost per special education student

2008 \$9,435.05 average cost per special education student

¹⁶ US Department of Education Office of Inspector General (June 7, 2007) "Letter to Illinois Superintendent of Schools" control number ED-OIG/AG5G0033 p.9.

¹⁷ FY09 budget page 32 and FY08 budget page 21.

¹⁸ These counts come from CPS filings in the *Corey H.* case.

In 2001 the average cost per special education student was about \$6,413.58.¹⁹ In about seven years the cost per student has grown by about 47%, this is despite the special education service cuts that were made in FY07.²⁰ It should also be understood that most special education students are also provided some services from regular education programs and benefit from overall CPS expenditures for maintenance and capital programs, so the actual average cost per special education student is higher than the average costs per child we have provided. For all of these expenditures CPS students with disabilities are not academically achieving.

We assume that a similar cost analysis has been conducted by CPS. It appears that CPS intends on reducing and keeping special education costs at approximately 10% of its overall budget. Other school districts in Illinois appear to have a similar goal, in 2005 the average school district in Illinois was spending 11.8% of its budget on special education, by 2007 the average school district was spending 10%. Back in 1999 CPS was devoting 12.4% of its budget to special education.²¹

No Child Left Behind and CPS students with disabilities

In 2007 only 7.5% of CPS 11th graders with disabilities could read at or above state standards. In 2006 7% of CPS 11th graders with disabilities were reading at or above state standards.

Access Living's primary concern in relation to CPS's FY09 budget is driven by our dismay over the educational outcomes for students with disabilities attending CPS. Being a center for independent living we believe that the correlation between being a highly literate individual with a disability and one that lives independently within our nation is high.

According to the Illinois State Board of Education's most current data, there is 42.7 % graduation rate for CPS students with disabilities compared to about a 66% rate for students with disabilities on a state wide basis.²² The Prairie State Achievement Examination, which is given to eleventh grade students,

¹⁹ FY02 budget appropriations by functions and special education count of 54,000.

²⁰ See Access Living FY07 budget review for a discussion of these cuts.

²¹ FY98 CPS budget page 80.

²² 2007 District Wide Report Card for CPS

showed that in 2007 92.5% of CPS students with disabilities who took the test were reading below state standards, with about 52% of these students reading at the lowest academic warning level. In 2007 for all CPS students with disabilities at all grade levels tested only 21.7% were reading at or above state standards.

The achievement gap for CPS students with disabilities relative to CPS students without disabilities has been increasing since at least 2004. In 2004 there was a 29 point gap in the percentage of all CPS special education students reading at or above standards and the percentage of all students who were reading at or above standards. By 2007 that gap had grown to 37 points.²³

There has been a small increase in the percentage of CPS students with disabilities reaching state standards since 2004, but there has been a significant improvement in the test scores of their non-disabled CPS peers. The gap between students with and without disabilities is a critical measurement used by the State of Illinois in relation to the No Child Left Behind Act. ***The Chicago Public Schools has never achieved the Adequate Yearly Progress standard for its students with disabilities in either math or reading. We believe there are fundamental problems for students with disabilities with the off the shelf reading programs many schools are currently using and we call on CPS to closely review these programs for their appropriateness for these students.***

Many parents of students with disabilities in Chicago, in a technical sense, have the option under NCLB to transfer their children to another school in the district that has not been identified for improvement. For the subgroup of students with disabilities, there are few such options within CPS. Other provisions such as having special education staff provide extended school days for students with disabilities seem impossible with the current budget being proposed by CPS. Parents are looking at charter schools for an option, but these schools ability to service more students with disabilities in particular ones with more significant disabilities, appears to be limited.

Access Living recommended two years ago that the Board authorize an independent study along the lines of the National Special Education Expenditure Project's 2003 review of the Milwaukee Public Schools that we provided to Board members on May 24, 2006. We believe that any such study conducted in Chicago must examine the huge number of disparate CPS initiatives including all aspects of the 2010 project and how they may impact special education costs and performance. We were informed by CPS staff in 2006 that they were reviewing the study and apparently they are still doing so because we have heard nothing further.

²³ All gap data comes from 2004 and 2007 State Report Card for District 299.

CPS is looking for special education cost savings instead of transformation

CPS had been on a hunt for ways to reduce costs related to educating students with disabilities. Fundamentally this effort has failed; costs have continued to rise, even as CPS has imposed various reductions in services, including the provision of one on one aides to some severely disable students. The greatest possibility for controlling ever increasing special education costs and improving academic results is by moving towards a Universal Design for Learning model in many elementary level classrooms over a period of years.²⁴

There is much talk of “inclusion” and “differentiated instruction” in special education circles that does not focus on improved academic skills for students with disabilities.²⁵ In this literature it is expected that a regular education teacher will be able differentiate instruction for students with disabilities without understanding the ramifications of these students’ disabilities on their learning process.

The heart of the problem is the separation between special education and regular education teachers’ knowledge base. The solution is to be found in new types of classrooms in many schools with overall class sizes small enough where students with mild disabilities can effectively be instructed by one highly qualified cross trained teacher in primary and middle school grades. In addition to the cross certification these teachers need to have extensive training in the teaching of reading. These teachers because of the work load they would face must be paid beyond the level of teachers who are not cross trained with these extensive skills.

As of June 2008 in grades 1-12 there are about 14,000 students with learning disabilities who are receiving direct special education services for no more than 5 hours a week.²⁶ These students are assigned to approximately 700 special education teachers’ case loads. These teachers constitute about 19% of all projected FY09 special teachers. The cost for these 700 teachers is at least \$42 million based

²⁴ See Katzman, L. T., Gandhi, A.G., Harbour, W. S., and LaRock J.D. (eds) *Special Education for a New Century* (2005) Harvard Education Press.

²⁵ There is no better example of this lack of academic focus than handouts that were used at the Illinois Special Education Directors’ Conference (July 30-August 1, 2008 in Peoria Illinois). See *Strategies for Differentiating Instruction* by the Access Center. There is much discussion of accommodating students in this handout based on their functional levels, but no discussion what so ever of how to link those accommodations to any remedial strategy to improve those functional levels.

²⁶ This data comes from a CPS filing in the *Corey H.* case.

just on average salaries not including benefits. The special education teachers that primarily service these students are called “resource” teachers. Over the last ten years more and more of the actual service provision for these students is taking place within general education classrooms, with fewer group pull out classes.

In elementary schools resource teachers are covering numerous classrooms during a school day, often only spending forty minutes or less in any one room. Many of these 14,000 students receive no direct special education services at all, instead their regular education teachers are provided consultative services by a resource teacher on often irregular time schedules.

The resource model as it exists in elementary schools is highly problematic and is clearly not producing the type of results we need for these students. It does not provide comprehensive support for these students; instead it focuses completely on the areas of greatest academic deficits for a limited time each day. For example students may be pulled out for language arts because of significant deficits in reading skills, yet these same students may be included in regular education social studies with a grade level text book that a general education teacher is expected to modify for the student.

The consultative aspects of the resource model are even more problematic because these special education teachers do not have the time during a school day to observe students who are not receiving direct services and can not provide truly relevant advice to general education teachers. Many regular education teachers in many CPS elementary schools feel abandoned by this consultative model.

If CPS assigned six mildly disabled students to a classroom of 20 students taught by one highly trained cross certified teacher in the primary and middle grades CPS could reduce one and a half resource positions for each five “real inclusion” classrooms created. Because a 20 student classroom is about five students smaller than the average size in grades 2-6 such a model would also require creating one new general education classroom for about each five of these real inclusion classrooms on a system wide basis.²⁷

Because these cross certified teachers will need an incentive to take such challenging positions CPS will need to pay a premium to these teachers in addition to their base salaries inclusive of step and lane. We would suggest CPS should be paying at least a \$6,000 per year premium to these teachers. The CPS could at a cost of less than \$2 million per year establish 150 such classrooms and provide each classroom with \$1,000 supplementary materials budget per year.

The six students with disabilities in these classrooms need to be the same individual children all school day long, schools can not rotate disabled students in and out of these real inclusion rooms. Students with disabilities in these real inclusion model classrooms would need to advance classes using the same model up to the junior high level or when they exit special education. This model would need to be evaluated over a period time to see if more students with disabilities were achieving State standards

²⁷ We have used the average class sizes from the 2007 CPS District Report Card for this estimate.

than were similar students using traditional separate regular and special education teachers, if more of these students were transitioning out of special education altogether, and if there were positive effects on the non-disabled students in these classrooms.

There is nothing in the State School Code that would prohibit such a merger of regular education and special education teachers as long as required services indicated on IEPs are provided. The current ISBE special education teacher funding reimbursement scheme is modified for the CPS by Illinois state law at 105 ILCS 5/1D-1 and CPS could receive appropriate reimbursement for each of these cross certified teachers.

The CPS would have to negotiate this issue with the Chicago Teachers Union (CTU) and push some charter schools in this direction via the special education reimbursement system. The Illinois Administrative Code at 226.735 requires that the CPS and the CTU “in cooperation” shall adopt a plan specifying limits on the workload of its special educators so that all services required under students’ IEPs are provided. These plans and negotiations are required to be completed by the start of the 2009-2010 school year.

Beginning in the 2009-2010 school year a defined case load for what had been called “resource” teachers has been effectively abolished. Class sizes for separate classes containing only students with disabilities will remain, but for special education teachers working inside regular education classrooms no fixed ratio will exist. This can either be an opportunity or a disaster for students with mild disabilities. Access Living opposed this change in the Illinois Administrative Code at every level because there was no defined replacement for the current standards.

Such a merged regular education and special education approach as we suggest will not work for students requiring special education services for more than 20% of the school day; it will likely not work at the high school level because of the complexity of the curriculum and larger class sizes. It will not work if CPS places more than six students with disabilities in classrooms or has class sizes larger than 20 students.

It will not work if these classrooms are over loaded intentionally with regular education students who are suspected of having disabilities, but have not yet either been identified or have entered an RtI type process. Because of space considerations it will not work in significantly over crowded elementary schools. *Most importantly it will not work if CPS does not highly compensate teachers who take on this complex teaching assignment.* Currently there are at least several hundred teachers in CPS who are cross certified already working either as special education teachers or regular education teachers, but formally not as both within the same classroom.

The Board must take some type of steps to change this failed special education system. A system that costs much and produces limited results for far too many students. We have suggested one place to start this complex reform process.

Recommendations relating to the CPS FY09 budget

- CPS must begin to take steps to create cross certified classrooms in many elementary schools throughout the city.
- That CPS provide to the public information on the effectiveness or ineffectiveness of all CPS reading intervention programs for students with disabilities in schools that are utilizing these programs.
- That CPS authorize an independent study of special education expenditures and allocations of special education funds to schools as Access Living has requested for two years now.
- That CPS provide the public with detailed budget information for charter and contract schools.
- Reduce concentrated clustering of more disabled students, reduce the distance these students are being bused, and reduce fuel costs related to this busing.
- That CPS either begin to fund a district wide RtI training program based on the ASPIRE pilot program. or inform ISBE it can not afford to implement this unfunded mandate by 2010.
- That the Chicago Board of Education re-establishes a budget or audit subcommittee. On July 26th 1995 the Board suspended its own rule requiring a standing budget committee. This Board needs to have a standing finance oversight or audit committee, just like publicly held corporations do. The CPS is the largest employer in our State and its fiscal issues are extremely complex requiring budget or audit committee meetings that are subject to our state's Open Meetings Act. The CPS like almost all other school districts in our state needs to have such a standing committee.