

## CHICAGO TEACHERS UNION SPECIAL REPORT

# Special Education Services in Crisis at CPS

By the Chicago Teachers Union Research Department

**CHICAGO** -- Over the last several years, the Chicago Public Schools has accelerated a shift in special education provision, a shift that the district frames as a move towards greater “inclusion” of special education students into general education settings, in order to close the “achievement gap” between special education students and students without IEPs. The reality is that special education services have been deeply undermined by several changes; special education cluster programs were fragmented and reduced by the mass school closings in 2013, overall budgets cuts amid dropping enrollment have endangered the basic general education program in neighborhood schools, student based budgeting has expanded to special education supports, and this summer’s budget cuts were disproportionately concentrated on core special education resources.

As part of their initiatives, the district has repeatedly used the framing of special education as a matter of closing the achievement gap between students with IEPs and students without IEPs to justify their policies. The primacy focused on this framing disregards the intention of the right to a Free Appropriate Public Education (FAPE) established by federal IDEA law, a right that is grounded in individually-referenced standards of achievement and progress. The district uses the achievement gap language more as a tool to enforce their policies, as they have used the aspirational end of

“inclusion” to undermine necessary individualized supports for special needs students. But as a parent from Vaughn Occupational High School aptly put it: *“Of course we parents would prefer our child fully included in the general education classroom in a neighborhood school. We want it more than anyone else. But while I get the impression that the district now sees schools like Vaughn as limiting and restrictive, what I’ve seen is that at Vaughn, the world has opened up for my son, he is getting independence and life skills, something he could not have gotten elsewhere without the specialized supports.”*

The district’s approach towards special education has a lot in common with their approach to the mass school closings in 2013, where they used a blunt metric for assessing buildings as a stand-in for the real-world usages that diverse communities have for their schools, which are far more than just buildings. The district views special education provision as a matter of just hitting the right measures, so they substitute “achievement gap” language for meeting students individualized needs, view “inclusion” as something to immediately implement rather than as a process to support, and let blunt metrics like staffing ratios determine how to “right-size” special education from top-down, instead of working to support the resource-need established in the IEPs by the student, family members, and the professional teams. This commonality is no coincidence – this

top-down approach permeates every policy change in the Chicago Public Schools.

### ***The district's devastating "right-sizing" of special education***

The district announced in June that it was closing 200 special education positions to save \$14 million, and another \$28 million in savings from reducing special education supports to the schools. Schools serving special needs students were hurt the most. Catalyst Chicago found that specialty schools were losing an average 17% of staff, compared to 1.6% cut across all district schools.

The cuts also disproportionately affected schools with high populations of special needs students across all district schools. Schools with a SPED percentage greater than the city average of 12.2% experienced a net reduction of 656 positions, compared to a net loss of 26 across schools that were below average. The average percentage change in school budgets was a 6% reduction for schools with above average SPED populations, compared to 3% for schools below average.

This week's 10th day budget cuts are further eroding special education supports. While net losses across all district schools for special education positions total 16.5 teachers and 52.5 assistants, there are 161 schools losing special education teachers and 185 schools losing paraprofessional support. These schools will have to cope with the loss of 237 special education teachers, and 337 special education assistants. Furthermore, of the 40 schools that clawed back special education aide positions in August from the district, 21 of those schools have now lost aide positions

in the 10th day cuts. Across those 21 schools, more special education paraprofessional positions have now been cut than they had won back: 42 cut this week vs 41.5 gained on net in August.

When announcing their targeting of special education in June, interim-CEO Jesse Ruiz justified the cuts by claiming that CPS has been over-resourcing students with special needs. CPS claims that they fund special education so far above and beyond state guidelines that the cuts would be a matter of "right-sizing" special education. However, according to ISBE data, out of all of CPS' expenditures on special education, just 11.8% is beyond state, local and federal revenues associated with special education. This amount, referred to as the "net expenditure", is less than 95% of other school districts in the state. While their net expenditure has risen since 2011, so has that of other school districts. In 2011, CPS net expenditure of 6% on special education was lower than 92% of other school districts. So while CPS makes the claim that we go above and beyond state standards – our local effort on special education has actually decreased relative to other school districts.

### ***Insufficient resources across continuum of placements***

At the same time as CPS talks about accelerating inclusion into general education for special education students, they are eroding resources for the general education setting. Class sizes have been increasing, and the percentage of students in general education classrooms that have IEPs have also increased. The BGA reported that 20% of students started the school year last year in classrooms over the guideline limits set in the

contract with the CTU. In the fall of 2014, 3% of general education classrooms across elementary grades were above the state's 30% legal limit of students with IEPs, up from 2% of elementary grade classrooms the prior fall. The state administrative rules that limit the percentage of students with IEPs in the general education classroom have been threatened over the past several years. Many teachers, parents, and special education advocates expressed outrage at the proposed rule change, many speaking about the impact it would have on CPS special education.

Over the years, CPS has been treating the special education class sizes limits established by state rules not as hard maximums but as targets. Other than the 30% rule, state rules require that any special education classroom with a student that spends more than 60% of the day in special education services (LRE 3) be no greater than 8 with one teacher, and no greater than 13 with an additional aide, not counting one-on-one aides. Maximum allowable class sizes increase up to 17 with both a teacher and a whole-class paraprofessional aide if the classroom only services students receiving special education services for up to 20% of their day (LRE 1). Although CPS class size data do not distinguish LRE status for special education students, it is clear that the vast majority of classrooms have class sizes great enough to require aides to stay at legal limits. Based off of fall 2014 data, nearly 60% of elementary school classrooms for special education students were at 8 students or greater, and 12% were greater than 13. At the high school level, 46% of special education classrooms were at 8 students or greater. This year's budget cuts have decimated special education aide positions, for both one-on-ones as well as classroom aides. Schools will not be able to continue staffing their special

education classrooms at current class sizes with the steep budget reductions.

But even as deep cuts have been made to special education aides such as classroom assistants and child welfare attendants, the district is also failing to hire enough special education teachers. In fact, data for the current year for schools in the All Means All (AMA) experiment shows that the initiative is furthering a trend in CPS that has seen the ratio of certified special education teachers to special education classroom aides shrink. In the district-schools under the AMA pilot, where principals have autonomy over spending, cuts to special education teacher positions were far more drastic than at other schools. Across all AMA schools, 9.2% of special education teacher positions were cut, whereas across non-AMA district schools, only 1.4% were lost. The cuts to special education assistant positions were similar across both types, with 11.3% at non-AMA and 11.9% cut at AMA schools. Although special education teacher positions at AMA schools only make up about 22% of such district-wide positions, AMA schools represented 67% of the 122 special education teacher positions lost district-wide. A budgetary system focused on driving 'efficiencies' does not make meeting student needs the ultimate aim – it incentivizes cutting costs, and teachers are more expensive than paraprofessional aides.

The pedagogical ramifications of such a budgeting system are deep. Aides are often essential for fully meeting needs of special education students, but to be utilized appropriately, both teachers and aides need sufficient training and scheduling that has room for coordination of services. When aides are hired or retained in lieu of instructional staff as overall resources shrink, the

scheduling constraints become precarious, class sizes balloon, and schools fall into danger of failing to provide necessary certified instruction for special education students. The staff that do remain have to juggle multiple responsibilities in impossibly tight schedules, struggling just to fill the gaps to ensure students with severe disabilities have staff to meet their immediate needs.

Best practices stress how crucial paraprofessional training is to facilitate and strategically increase social interactions, and that teachers have time to supervise and support the development and implementation of these processes. Without time and resources to make these processes intentional and structured, “inclusion” becomes just a hollow-term met by numbers, rather than by substantial experience.

### ***CPS made indiscriminate cuts without data***

Speaking to WBEZ earlier this summer, the chief education officer Janice Jackson said that the \$38 million in cuts to special education would not hurt children and that CPS will intervene to make sure they get the supports they need. CPS administrators have claimed that none of the closed special education paraprofessional positions would affect services written into IEPs, and that all were just “supplemental” positions closed after a CPS audit of their resourcing levels. These cuts were reportedly the result of an “18-month review” of special education that concluded that the district was over-staffing special education across its schools. Multiple organizations, reporters and individuals, including the CTU, have requested the internal analysis that the special education cuts and the district's claims were based off. In every instance, CPS has merely produced

documents that outline a district-level analysis of overall special education staffing and student population trends. None of the documents produced had information about the needs outlined in student IEPs across the district, nor did they have an analysis of how current or past staffing was being utilized to meet those needs.

The district even responded directly to one of the parents at Vaughn Occupational High School who was part of the school's collective public push-back against the massive cuts to their special education paraprofessional supports. Markay Winston, head of ODLSS, clarified that no audit specific to Vaughn had been conducted, and further, that no written report existed about the district's review of special education staffing levels at the schools, nor about the process for deciding cuts. According to Winston, the oft-cited “18-month review” was an *unrecorded* “process by which we looked at our schools over a period of time to determine student enrollment and staffing needs”.

### ***Damaging impact on our schools and students***

CPS cannot show that they based their analysis of “staffing needs” on student needs. The extent of data and documentation they can account for are student to staff ratios at the district level. This broad data was enough to lead them to slashing nearly \$40 million from special education, resulting in 700 lost positions district-wide. For specialty schools like Vaughn, these broad, indiscriminate cuts led initially to a loss of over 23 paraprofessional positions, many of them whom were one-to-one aides written into IEPs. The new principal, who had a background in special education – a rarity in

CPS, together with the special education staff, carefully pulled together the documentation of their students' needs, identified in their legal IEP documents, and how each of their staff were crucial to ensuring that those needs were met. They showed CPS staffing schedules that made it clear that with the district's proposed staffing, Vaughn would fail to provide the legally required services. The district, without any documentation on their end to question the analysis by the Vaughn team, walked back a third of their cuts to the school's paraprofessional staff but still left the majority of cuts in place.

Even a loss of one or two aides can lead to tremendous difficulties in delivering special education services. At one elementary school on the south side, the loss of two paraprofessionals has been critical, as there are several students with severe autism and behavioral disabilities who require a dedicated one-to-one aide throughout the day. The staff does everything they can to attempt to meet student needs. A student that uses a wheelchair is often assisted by teachers throughout the day, when assistants are not available to switch off and assist the child. In some instances, special education teachers end up remaining on hand with students that require dedicated aides so that they don't end up just mixed into the "inclusion" classroom. A south-side elementary school teacher reported that their school "being forced to have more children in inclusion settings even when they are academically well below grasping and/or participating". Without enough resources for the special education classrooms, general education classrooms end up having to function without any paraprofessional support for special needs students in inclusion settings. Throughout the day, multiple classrooms end up over the 30% limit for the percentage of students with IEPs.

At a north-side elementary school participating in the All Means All expansion, a special education teacher and four paraprofessionals were cut. Students in the general education classes require inclusion support from a special education teacher, but do not have one. The loss of paraprofessionals has been critical:

*"We have a new early-grade student with cerebral palsy who needs a paraprofessional throughout the day to enable her to participate physically with her general education peers, as well as with daily activities such as getting onto a toilet. We have been covering her by having another student go to get a special education teacher who then takes her entire class to the first grade room, gets the student who needs to use the toilet, and they all go on a restroom break. The student needs help in all of her special classes, she needs assistance with all transfers in the hall, with lunch and recess. Teachers have been giving up their preps to cover."*

An elementary school teacher at a Bronzeville school reported having a special-education class of 16 students, several with severe emotional/behavioral disabilities and autism. Not only do the students deal with over-sized self-contained rooms, but there are no aides available for their time spent in inclusion classrooms, despite their IEPs clearly stating that an aide is required. Although the school has requested additional support, the district has pushed back, telling the school to adjust the schedules for other aides in the building. However, other classrooms are dealing with similar issues, and no spare aides are available during the necessary periods.

In some cases, the cuts have led to more than just the severe dysfunctions that arise from last-resort scheduling. At an elementary school in Humboldt Park, the district decided

last year that the percentages of special-education students, and the extent of self-contained minutes written into their IEPs, was too far above average at the school. Based off the metrics alone, the district decided the school's special education identification process itself was deficient, and made wholesale changes to the provision of services at the school. This included rewriting multiple IEPs over the last year and pushing students into inclusion settings. The district asked parents to approve modifications without holding meetings. This year the school lost their Case Manager, and despite the fact that student IEPs have not been rewritten, and meetings have not been held, many students who previously received services in individualized settings have been pushed into the general education classroom and given little or none of their required pull-out minutes. The district's network staff even gave staff at the school various talking points and scripts to get parents to accept the modifications without push-back or official meetings. On the first day of school, a parent pulled her student out of the school upon learning that he was assigned to general-education inclusion. The parent ended up coming back to the school upon finding out that services would be just as deficient at the other school, and preferred the familiar under-resourced environment to the unfamiliar one.

One teacher at another elementary school on the south-side has reported that her school had received several students that had transferred in from private behavioral schools. When school staff spoke to psychologists at the former schools, they shared concerns about whether the students would receive sufficient accommodations in a CPS school without specialty supports. CPS has also been pushing students out of their

own district-run specialty schools and even from their cluster-programs, back into the under-funded neighborhood schools. Even if schools may be able to provide the equivalent supports on paper, such as dedicated one-to-one aides written into IEPs, in practice, those supports are stretched far more thinly in many non-specialty district schools. Teachers have reported that in some cases where IEPs expressly identify one-to-one aide supports, when there are other students requiring a shared aide in the classroom, the "one-to-one" aspect is overlooked and the paraprofessional is used as a shared classroom aide.

At one neighborhood high school on the south side, the loss of several special education teacher positions has meant that teachers have been moved to teaching two or more subjects, and are losing their prep time to accommodate the schedules. The dedicated Case Manager has also been assigned multiple classes, so that scheduling meetings with teachers to assess services to students has become increasingly difficult. Several incoming students have one-to-one dedicated aides written into their IEPs, but the district has so far failed to provide them, and has not been able to explain how the additional resources will be provided.

### ***The district's notion of autonomy is deeply flawed***

In prior years, schools used the Position Analysis Review Form (PARF) to submit documentation of unmet needs and request more special education staff. Although criticized for often failing to provide the requested positions, the process was at least formalized for school staff. With the expansion of All Means All this year, and the massive cuts to special education in the

summer budgeting process, there is no clear process for how schools can get additional support. Having just one or two students that require one-to-one services can drastically impact staffing, and the incremental dollars that the AMA program allocates is not sufficient to bring on additional staff in the middle of the year. Schools that still use PARF are being told that they will have to wait months for positions. As they slashed the SPED budget this summer, CPS claimed that they would work with schools to meet student needs – but the significant push-back that occurred over the summer only resulted in 60 restored positions, just 10% of the total cuts to special education staff. For AMA schools that are funded with dollars instead of by positions – it’s unclear if they have any other formal recourse once their budgets are set, unless they bring in more students.

When the pilot program for All Means All rolled out last year with 13 schools, many teachers were unaware of the change to special education funding. Although the consultants charged with evaluating the pilot criticized the communication around the pilot and made recommendations to increase transparency, this year’s massive expansion was also implemented without sufficient communication. The Case Manager at one of the expansion high schools was not informed about the pilot until the start of the school year. The principal of the school, who has no background in special education, has not yet even directly informed the staff about the funding changes.

The district’s own analysis of student enrollment shows that students with IEPs increase by about 3,000 in district-run schools, or 7% throughout the school year. With this summer’s special education cuts, schools are starting this school year with

students and scheduling for special education services close to, at, or over the maximum legal thresholds across classrooms and placement types. As the number of students with IEPs increase over the school year, schools will have no maneuvering room and massive violations of legally required class-size limits and of IEP accommodations are bound to take place. Further, schools will have difficulty filling special education positions half-way through the school year as they have in the past.

Instead of rhetoric about autonomy, the district needs to fund special education sufficiently so that the professional staff at the schools that work with the students, and the IEP team empowered by federal law, determine what and where the resources will be. As with Student Based Budgeting, All Means All is portrayed as giving autonomy to schools, but schools have too many needs and too little funding to actualize local decision-making. Even with this so-called autonomy, schools must still deal with bureaucrats from network staff, and a central office reluctant to release additional funding. Some network staff provide essential help, but they are often only needed because most CPS principals lack backgrounds in special education, and/or Case Managers are overwhelmed, teaching other classes and assuming other duties. Over 70% of Case Managers at elementary schools also serve as school counselors. Setting up legally required IEP meetings with parents, over-worked teachers, and the ‘touring’ clinicians who barely spend more a day at one school in a week is difficult enough, but teaching and clinician staff also need time to meet and plan services for students. The lack of planning, resources, sufficient training for administrators, and little transparency pervades the district’s roll-out of All Means

All, and their drive towards what they term “inclusion”.

***The BOE should audit special education services across CPS schools***

The district has painted a false picture about the special education cuts that have decimated our schools. Due to the district’s failure to provide data on how student needs are being met, the CTU is calling for the newly re-structured Board to have the district audit special-education services across all schools.

The Board should require that the district produce the following data and analysis on:

- *The details of how CPS determined how many, and which special education positions would be cut at each school, and disclosure of all information and data on individual student and school needs used in the process*
- *How often students are not receiving “self-contained” minutes directed by their IEPs*
- *How often parents are asked to agree to IEP modifications without team meetings*
- *Full and accurate class size data for each and every resource room and self-contained classroom setting, including the LRE status of the student(s) with the greatest LRE level; how many teachers and aides are present, distinguishing between one-to-one aides and classroom aides.*
- *How often the district fails to provide one-to-one aide supports identified in IEPs, and how often the improper use*

*of classroom aides or shared aides to meet one-to-one requirements occurs*

- *Special education referral rates, the duration between “date of referral” and evaluation and the start of services for the last several years*
- *The analysis referenced above, as well as all data on special education staffing, student-to-staffing ratios, total clinician service minutes, and any other data available for district schools should be made available for all CPS charter, contract, and alternative schools.*