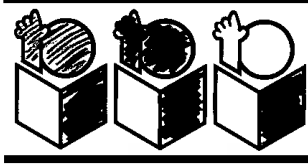


Slashing Budgets: Destroying Children's Futures?

**Designs for Change
October 2006**

This report and related materials are available at:
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Designs for Change



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**Transforming urban education
on a scale that matters**

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Designs for Change would like to thank the parents, students, and educators who have analyzed the impact of the current special education staff cuts in their own schools and for their own children. We also express our appreciation to the organizations that have been active in analyzing the impact these cuts citywide, including Access Living, Chicago Southside Autism Support Group, Equip for Equality, Family Resource Center on Disabilities, Service Employees International Union (Local 73), and South Side United Local School Council Federation.

HIGHLIGHTS

SLASHING BUDGETS: DESTROYING CHILDREN'S FUTURES? DESIGNS FOR CHANGE

In June 2006, the Chicago Board of Education cut **200** special education teachers and **750** special education teacher aides, and set a process in motion that is **destroying** the futures of many of Chicago's **most vulnerable** children.

Top school system officials **claimed** that all of the legally-mandated Individualized Educational Plans that guide staffing and services for children with disabilities **would be honored**, despite these cuts. However, experience in the **first four weeks** of school indicates that this promise is being **repeatedly broken**. This report describes specific examples of the following:

- Children who were guaranteed full-time instructional aides are receiving part-time aides, which **destroys vital continuity** for children with learning or emotional problems. (Roberto)
- Children who need help with instruction are being assigned bus aides and others with **no instructional expertise**. (Steven)
- Severely disabled students are **losing** large amounts of **instructional time**, because their **teachers** must take over responsibilities to **hand-feed or toilet** their fellow students. These jobs used to be performed by **child welfare attendants** (Blair Early Childhood Center).

The cutbacks **began last year**, when children who were a **danger** to themselves were **denied aides**. Megan, an autistic child who licked the floor and would attempt to eat anything she could put in her mouth (such as pencils), was denied an aide because a bureaucrat told Megan's teacher that she was "**containable**."

The cutbacks in special education services have taken place despite the **extremely low achievement and graduation rates for students with disabilities**. The percentages of students with disabilities who met state reading standards **dropped** from 1990 to 1995 at grades 5, 8, and 11 and remain **extremely low**. In spring 2005, the percentage of students with disabilities who met state reading standards was **11%** at fifth grade, **17%** at eighth grade, and **5%** at eleventh grade.

Accurate graduation rates calculated for high school students with disabilities by Elaine Allensworth of the Consortium on Chicago School Research (and released in this report for the first time) indicate that **only 42.4%** of students with disabilities who entered high school in fall 2001 graduated in four years and only **about 48%** will **graduate** with more time.

When achievement and graduation rates are **considered together**, **4,947** students with disabilities entered high school in 2001, but **only about 125** will both graduate and have "proficient knowledge and skills in reading."

To take resources away from these vulnerable students given these shocking results, instead of improving their education, is unconscionable.

One casualty of these cuts is the ability of students with disabilities to succeed in the "**least restrictive environment**," which is often the regular classroom. **Skilled teacher aides** are vital to enable students with moderate or severe disabilities **to succeed** in regular classes.

Taking such vital support away leads to the **illegal segregation** of students with disabilities, of which the Chicago Board and Illinois State Board were **found guilty** in the late 1990s in the **Corey H.** lawsuit.

While the State Board has repeatedly cited Chicago for providing **insufficient numbers** of teacher aides in past years, the State Board refused to aggressively enforce the law when Chicago **cut 750** of these vital staff this summer.

Thus, we strongly support the action of the **Corey H.** lawsuit plaintiffs to reverse these staff cuts through **an injunction** and to have the federal court appoint a "**Special Master**" to **ensure** that needed corrective actions **occur**.

It is also vital that parents of children with disabilities and educators, press these issues with **appointed and elected officials at all levels** of government. To get involved, contact Laura at **Designs for Change** (312-236-7252, est. 242)

1. FOCUS

Approximately **13%** of the students attending the Chicago Public Schools are classified as having a disability and receive some form of special education services (about **55,000 students**).

In June 2006, the Chicago Board of Education cut **200 special education teachers and 750 special education aides** (special education classroom assistants and child welfare attendants) for the 2006-2007 school year, in order to help balance its \$4.7 billion budget. This action will potentially save \$27 million, or about .5% of the total school system budget.

These teachers and teacher aides help fulfill Chicago's **legal obligation** to provide a good education for Chicago's disabled students, according to federally-required "Individualized Educational Programs" (IEPs) that are developed for each disabled child with the involvement of their parents.

When these special education staff cuts were proposed, special education parents, educators, and advocates argued that these cuts would have a devastating impact on the education of **Chicago's most vulnerable children**. The school system leadership brushed off their repeated testimony before the Chicago Board of Education, calling their concerns "alarmist."

Rene Grant-Mitchell, Chief Specialized Service Officer, asserted before the cuts were formally adopted by the Chicago Board that "...Individual educational plans, designed for each special education student, will continue to be met....As long as we are aware a student is not getting appropriate service, that student will get appropriate service."¹

This report analyzes four key questions that help illuminate the justification for

these staff cuts and analyzes their initial impact during the first four weeks of school:

- Section 2. What are the **key educational rights** of children with disabilities in Chicago?
- Section 3. How well is the school system achieving **key educational results** for students with disabilities, as reflected in test score results and high school graduation rates?
- Section 4. What is the evidence about the **actual impact** of the staff cuts from the **first four weeks** of school?
- Section 5. What are key implications of this evidence for **needed future actions**?

NOTE: The parents of all children described in this report are willing to talk with reporters on the record. Their schools have been identified. Their children have been given pseudonyms to protect their privacy.

2. THE EDUCATIONAL RIGHTS OF CHILDREN WITH DISABILITIES IN CHICAGO AND ILLINOIS

VARIED NATURE OF CHILDREN'S DISABILITIES

Children with disabilities must overcome a **variety** of different **challenges** in their efforts to succeed in school and to graduate from high school. The Chicago school system reported that for the 2004-2005 school year, Chicago had the following percentages of students with disabilities in each disability category:

- Learning Disability (55%)
- Cognitive Disabilities (14%)
- Speech/ Language Disabilities (12%)
- Emotional Disabilities (10%)
- Autism (3%)
- Developmental Delay (3%)
- Hearing Impairment (1%)
- Other Health Impairment (1%)
- Physical Disability (1%)
- Traumatic Brain Injury (less than 1%)
- Visual Impairment (less than 1%)

Further, most of these disabilities may be mild, moderate, or severe, and many children have more than one disability.

SOME KEY LEGAL PROTECTIONS FOR CHILDREN WITH DISABILITIES

Before 1975, schools in most states were simply allowed to **exclude** most or all students with disabilities. In 1975, a new federal law gave children with disabilities a range of **new legal rights** to help ensure that they received a good education.

If an evaluation of the child indicates that the child has one of the disabilities listed above, the school system is **required** to provide the child with a **"free appropriate public education."**

To design this education, school staff and parents must work together to develop an **"Individualized Education**

Program" (or IEP) for the child, which **sets objectives** for what that child will accomplish during the school year and describes the **additional and/or different services** that the child will receive that will enable the child to reach these objectives.

Students with disabilities have a **legal right** to Individualized Education Programs that provide a free appropriate public education. A school district **cannot disregard** this requirement by claiming it does not have the resources to carry out a child's agreed on Individualized Educational Program.

EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

For children with disabilities, their educational program must be provided in the "least restrictive environment," the learning situation that **maximizes** the student's contact with **non-disabled peers**. Further a disabled child's education must be provided in the school that the child would attend if he or she were not disabled, to the greatest extent possible.

The law requires that students must be given **"supplementary aids and services,"** in order to succeed in the least restrictive environment. The child must not be just "dumped" into the regular classroom and left to flounder.

The "least restrictive environment" for a child is not always the regular classroom. It may, for example, be a separate classroom for students with disabilities or even a separate day school or residential school.

Whether the student is in the regular classroom, a separate classroom, or a separate school, a student with a

disability may need a part-time or full-time aide or other supports and modifications (such as special technology or modification of learning materials) in order to succeed.

GROWING EMPHASIS ON HOLDING SCHOOLS ACCOUNTABLE FOR RESULTS

As an outgrowth of the federal No Child Left Behind Act, schools are being held accountable to ensure that all students, including students with disabilities, meet **specified minimum scores** on standardized tests and **graduate from high school** at specified rates.

The testing and graduation standards that students with disabilities must meet increase regularly through the year 2014. Each year, students with disabilities are expected to meet the **same standards** as their non-disabled peers (with some modest differences). Schools and school districts are responsible for ensuring that adequate services are provided to students, so that students with disabilities can meet these test score and graduation standards.

KEY STATE OVERSIGHT ROLE IN ELEMENTARY AND SECONDARY EDUCATION, INCLUDING SPECIAL EDUCATION

By accepting federal special education funds, Illinois accepts the responsibility to carry out federal special education laws and related rules (currently based primarily on the federal Individuals with Disabilities Education Act of 2004). Illinois must also pass state laws and rules consistent with the federal law and related rules.

The Illinois State Board of Education is responsible for **monitoring** schools and school districts and for **ensuring** that all deficiencies in carrying out federal and state special education laws are corrected.

THE COREY H. LAWSUIT AND SETTLEMENT AGREEMENTS

In 1992, parents of students with disabilities filed a lawsuit charging that Chicago was **illegally segregating** students with disabilities (that is, failing to educate students with disabilities in the least restrictive environment). The lawsuit is called *Corey H., et al. vs. Chicago Board of Education and Illinois State Board of Education*. Further, the lawsuit charged that the Illinois State Board of Education was **failing** to carry out its **enforcement responsibilities** to end Chicago's illegal segregation.

Illinois was one of the **five most segregated** states for children with disabilities when the lawsuit was filed, and Chicago's pattern of segregation mirrored the state as a whole.

In 1998, the Chicago Public Schools entered into a **detailed Settlement Agreement** with the plaintiff parents, spelling out how Chicago would end illegal segregation and effectively educate children with disabilities in the least restrictive environment. In 1999, the Illinois State Board of Education (ISBE) also entered into a Settlement Agreement with the plaintiffs, spelling out how they would monitor Chicago's implementation of the steps it had agreed to take, and would act to correct any deficiencies.

The plaintiffs in the *Corey H.* lawsuit and their attorneys viewed Chicago's June 2006 action to cut special education staff as a **blatant violation** of the Corey H. Settlement Agreements.² In August 2006, the plaintiffs' attorneys filed a request for a **preliminary or permanent injunction** to reverse the budget cuts in special education made by the Chicago Board of Education in June 2006, arguing that this Chicago action violated the law and the *Corey H.* Settlement Agreements by **undermining Chicago's ability** to provide an

appropriate education in the **least restrictive environment**.

Federal Judge Robert Gettleman denied this request for an immediate injunction, and instead set a schedule for an exchange of legal briefs by the plaintiffs and defendants that will now **culminate in a hearing** before Judge Gettleman on **October 4, 2006**.

3. THE DEPLORABLE ACHIEVEMENT AND GRADUATION RATES OF CHICAGO'S CHILDREN WITH DISABILITIES

One **important set of indicators** for judging Chicago's decision to cut teachers and teacher aides who assist Chicago's children with disabilities are the **patterns of test scores and graduation rates** for Chicago's students with disabilities, as compared with their non-disabled peers.

Both the No Child Left Behind Act of 2001 and the Individuals with Disabilities Education Act of 2004 were designed to **reinforce each other** and to create conditions for teaching and learning in which **high percentages** of students with disabilities would master challenging academic skills and subjects and would graduate from high school.

As reviewed in Section 3, the best current data (gathered before Chicago's June 2006 special education staff cuts) indicate that Chicago is **failing miserably** in meeting these objectives.

CHICAGO RESULTS ON STATE READING ACHIEVEMENT TESTS

The Illinois State Board of Education has determined the minimum scores that students must achieve at various grade levels to be **considered competent readers**. Table 1 shows the State Reading Test Results for Chicago at Grades 5, 8, and 11 for the period from spring 2001 to spring 2005 for Chicago **students without disabilities** and Chicago **students with disabilities**. As you review Table 1, remember that the stated federal goal is that students with disabilities improve steadily to **approach 100%** on these tests by the year 2014.

■ At grade 5, the percentage of **students without disabilities** who met state standards rose from 35% to 48% from spring 2001 to spring 2005. In contrast, the percentage of **students with disabilities** who met standards remained **very low** and **actually declined** from 12% in spring 2001 to 11% in spring 2005.

■ At grade 8, the percentage of **students without disabilities** who met standards rose modestly from 61% to 68% from spring 2001 to spring 2005. In contrast, the percentage of **students with disabilities** who met standards basically remained at a **very low level** and **declined** from 21% in spring 2001 to 17% in spring 2005.

■ At grade 11, the percentage of **students without disabilities** who met standards **rose modestly** from 38% to 46% from spring 2001 to spring 2005. In contrast, the percentage of **students with disabilities** who met standards remained at an **extremely low level** and **actually declined** from 6% in spring 2001 to 5% in spring 2005. In other words, **95%** of eleventh grade students with disabilities **failed to meet** state reading standards in spring 1995.

The **extremely low grade 11** achievement results are even more disturbing when one considers that a large percentage of students with disabilities had **dropped out before** the eleventh grade test was administered (see below), and that those eleventh graders with disabilities **still enrolled** in school are likely to be **relatively higher achieving** than those who have dropped out.

CHICAGO GRADUATION RATES

For years, Chicago and other Illinois schools and school districts have been permitted to report four-year high school graduation rates to the Illinois State Board of Education (ISBE) in a manner that is **fundamentally flawed** and that **greatly inflates** graduation rates.³

In January 2005, Elaine Allensworth of the Consortium on Chicago School Research released a report documenting graduation rates in Chicago that (unlike the ISBE graduation rate calculation system) was based on **tracking individual students** from year to year: *Graduation and Dropout Trends in Chicago*.⁴

At the request of Designs for Change, Allensworth has used this database to calculate the four-year graduation rates for Chicago students with and without disabilities who entered high school in fall 1999, fall 2000, and fall 2001. If they had completed high school in four years, these students would have graduated, respectively, in spring 2003, spring 2004, and spring 2005.

The Chicago results for the ISBE four-year graduation rates and the four-year rates calculated by Allensworth are shown in Table 2.

Allensworth's method divides the number of students with disabilities who graduated from any Chicago high school in four years by the number of first-time ninth graders originally enrolled in a particular class, minus students who transferred out. In her report, she explains why the ISBE method for calculating a four-year graduation rate is flawed and inflates the resulting rates.⁵

Table 2 compares Allensworth's results (which are based on the actual tracking of students) with the flawed ISBE results. Table 2 makes two points obvious:

■ Based on Allensworth's analysis, only about 40% of students with disabilities who enter Chicago high schools graduated within four years. This low four-year graduation rate has only risen slightly for the three classes of students for which the most recent data analyzed by Allensworth are available.

■ The falsely inflated ISBE results show a major jump from the 2003 graduating class to the 2004 graduating class, while this difference is not reflected in Allensworth's results (see Table 2).

It is true that between 13% and 15% of students with disabilities are still enrolled after four years for the three classes of students analyzed in Table 2. Assuming that these students who are still enrolled graduate, drop out, or transfer at about the same rate as those students in their cohort who have already graduated, dropped out, or transferred, the **final graduation rate** for students with disabilities who began high school in a particular year would be about 6% higher than the four-year graduation rate (for example, a **48% graduation rate** for the class that entered in 2001, assuming that enough time passed so that no one from the class was still enrolled).

EXTREMELY LOW PERCENTAGE OF WELL-PREPARED GRADUATES IN CHICAGO'S SPECIAL EDUCATION PROGRAMS

If one analyzes the percentage of eleventh grade special education students who meet standards in reading in combination with the 42% of students with disabilities who graduate after four years (or the roughly 48% who may graduate over a longer period), one is left with an **extremely low percentage** of special education students who **both graduate and are achieving at the level that ISBE has characterized as having**

“proficient knowledge and skills in reading.”

The system is producing only **2% to 2.5%** of such capable graduates from its special education programs. Thus, of the **4,947** special education students who entered high school in the ninth grade in 1991, **only about 125** will both graduate and have adequate reading skills, including students who take more than four years to graduate.

IMPLICATIONS

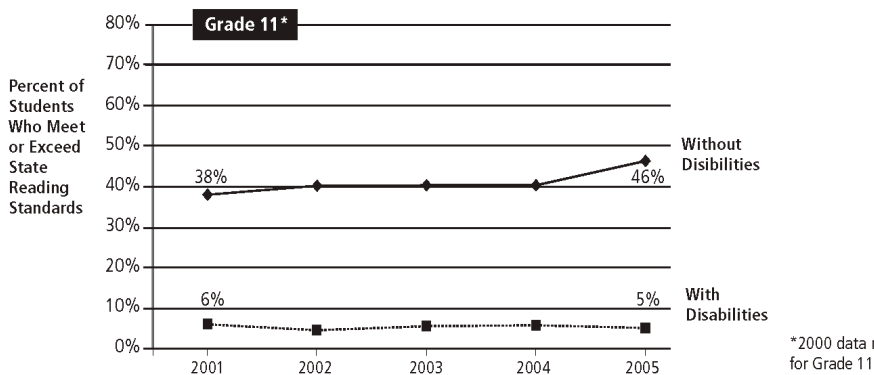
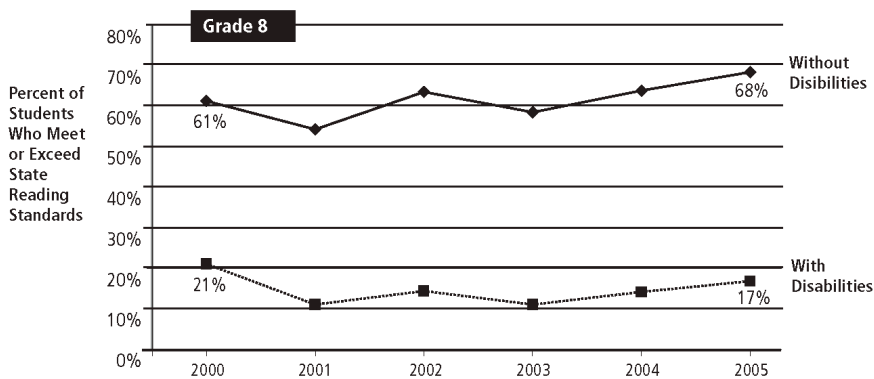
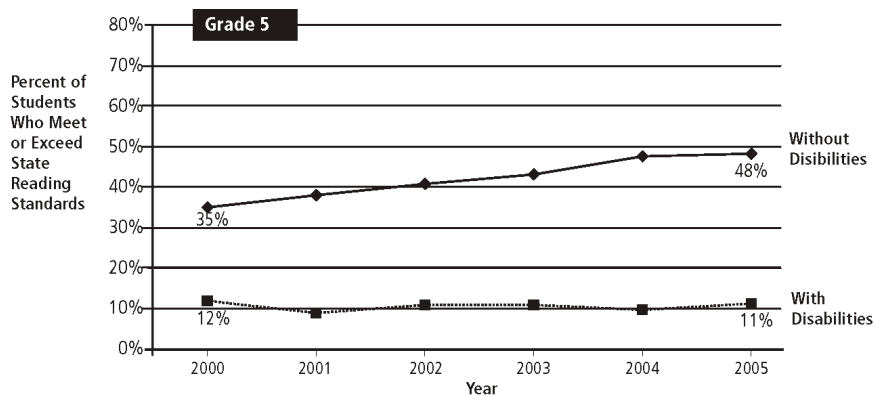
■ Reading achievement rates at fifth, eighth, and eleventh grade for Chicago students with disabilities are **extremely low** and **declined** at each grade level from spring 2001 to spring 2005.

■ Even interpreting Allensworth’s graduation data in the most favorable light, only about **48% of students with disabilities** who enter high school **are graduating** from high school.

■ Of **4,947** special education students who entered high school in the ninth grade in 2001, **only about 125** will both graduate and have “proficient knowledge and skills in reading.”

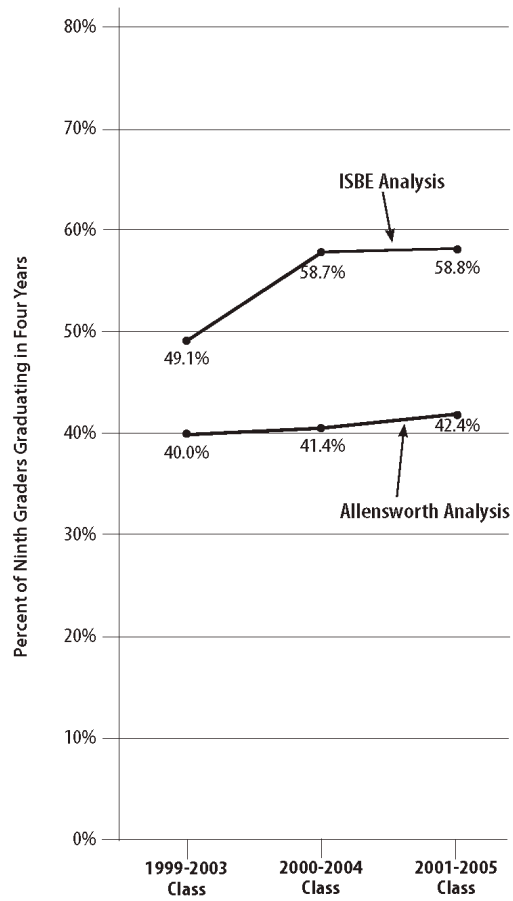
To **take resources away** from these vulnerable students, rather than focusing on improving services to them, is **unconscionable**.

TABLE 1. State Reading Test Results for Chicago for Grades 5, 8, and 11



*2000 data not available for Grade 11.

TABLE 2. Four-Year Graduation Rates for Chicago Students with Disabilities



4. CHICAGO'S CAMPAIGN TO CUT SPECIAL EDUCATION COSTS AND ITS IMPACT ON CHILDREN

The dramatic cuts in special education staffing carried out in June 2006 were **fore-shadowed** in the 2005-2006 school year by the **refusal** of school system administrators to grant special education teacher aides for students who had a **desperate need** for them.

During the first four weeks of the current 2006-2007 school year, evidence of **major harms** to students that result from the staff cuts are **becoming apparent** at schools across the city, as parents and educators impacted by the cuts **encounter resistance** in having children's Individualized Educational Programs carried out.

After finding the school system out of compliance with the *Corey H. Settlement Agreements* for inadequate staffing year after year, the **Illinois State Board of Education** is **refusing to take meaningful corrective action** to reverse Chicago's staff cuts.

These main points are elaborated and illustrated below.

A MAJOR SCHOOL SYSTEM COMMITMENT TO CUT BACK TEACHER AIDES WAS EVIDENT DURING THE LAST SCHOOL YEAR

Chicago schools have characteristically **resisted** promising services to students with disabilities in their Individualized Education Program document if they did not have these services **readily available** or if the word had gone out that these services were **going to be cut back**.

Thus, during the last school year (2005-2006), schools were **often resistant** to

provide teacher aides even to students who desperately needed them, because the message had been sent out to avoid making commitments for new aides and to reduce the minutes of aide time committed to individual students.

EXAMPLE: ANDREA

Andrea was in third grade at Yale Elementary School last year and is autistic. She has done reasonably well in most academic subjects and received pull-out special education services in math last year.

However, she spent the majority of her time in the regular classroom without an individual aide. Andrea often acts impulsively — for example, by rolling on the floor and climbing on cabinets.

She has a strong desire to make friends with other children, who have frequently encouraged her to engage in inappropriate behavior. In one of the incidents most upsetting to her mother, Andrea was given a condom by a fellow student and told to walk around the classroom and say it was hers.

Andrea's mother sought help from school staff in obtaining an aide for her last year. They were unwilling to help her and said that she would have to advocate for an aide on her own.

EXAMPLE: MEGAN

Megan is an autistic child who was being educated last year in a self-contained special education classroom at Dore Elementary School on the South Side. As a result of Megan's disability, she engaged in a variety of behaviors that posed a danger to herself and constantly disrupted the learning

process for other students. She would leave her seat, lick the floor and other objects in the room and put almost anything in her mouth and attempt to eat it (for example, pencils). Her teacher, Kathleen Cleary-Powers, was constantly monitoring Megan's behavior because she was concerned that Megan might choke.

It was a constant challenge for the teacher to teach the rest of the class because of Megan's disruptions. Other children in the class were easily distracted and were often crying and agitated. Parents of other children in the class complained frequently about these problems.

Ms. Cleary-Powers fought for seven months to get an individual aide in the class for Megan, repeatedly communicating with various levels of the Chicago school system bureaucracy and with the Illinois State Board of Education. A representative of the regional office who came to observe Megan concluded that an aide was not necessary, because Megan was "**containable**," and that the veteran teacher was "tough enough to straighten her out."

Finally, Megan received an aide late in the spring, as a result of her parents pursuing a due process complaint. At the end of the school year, the family moved to the suburbs.

Ms. Cleary-Powers, an experienced teacher, is exceptional in her willingness to fight with the bureaucracy for needed services for her students and to speak out publicly.

RESISTANCE TO PROVIDING APPROPRIATE SERVICES DURING THE FIRST FOUR WEEKS OF THE CURRENT SCHOOL YEAR

Contrary to the claims made by Rene Grant-Mitchell, Chief Specialized

Service Officer, Designs for Change, working with concerned parents, educators, and advocates, documented a range of situations in which harmful cuts that had been made in services to children with disabilities were not corrected. We cite several examples below of situations where parents or educators are willing to speak to reporters on the record. As noted earlier, the names of schools are included in these descriptions, but the names of students have been changed to protect their privacy.

EXAMPLE: BLAIR EARLY CHILDHOOD CENTER

Blair Early Childhood Center on Chicago's South side serves children ages 3 to 7 years with severe physical and multiple disabilities. The school has built an **outstanding national reputation** for the quality of its program, under the leadership of a principal who retired at the end of the last school year.

However, Blair has **lost six child welfare attendants** this year, and it is now a **constant challenge** to meet the most basic needs of the severely disabled students at Blair (for example, many Blair students require hand-feeding, regular lifting in and out of their wheelchairs, and diaper changes). The dedicated staff's ability to provide quality education has suffered substantially because the staff cuts have required teachers to spend much of their time on tending to their students' basic physical needs. In the last two weeks, **41 Blair staff members** have written **17 letters** to Board President Rufus Williams, detailing the harm that the staff cuts he voted to approve have had on the Blair's severely disabled students. For example, a small portion of one letter states the following:

Our students arrive at school at 7:30 a.m. There are days that we do not finish feeding until 9 a.m. because there are only two adults (teachers)

in the classroom. Our classroom attendant is not available to assist because she is unloading buses and toileting children. Our classroom school assistant is not available to assist because she monitors the buses for arrival and dismissal, two hours a day. Then she must assist our CWA with toileting the children that require two people. Children who are dependant for feeding must wait, and students fed already are not engaged in learning because we cannot provide the adult assistance they require to access their educational programs. We have no control over the impact these cuts have had on our academic program because many of our students need an adult to feed them and feeding must not be rushed due to choking/swallowing concerns.

One **extremely disturbing danger** that Blair now faces is the inability to quickly evacuate all of the students from the building in the event of a **fire**. For instance, in one classroom, a single teacher is now responsible for evacuating four children in wheelchairs (who are not always in their wheelchairs and need to be lifted into them).

In a fire drill in September, teachers reported that the administration came to several classrooms—particularly those with a number of students in wheelchairs—to warn the staff that a fire drill would be taking place (**contrary to** proper procedures).

Further, a number of therapists and specialists who work with students at Blair also serve students in other schools and are not present at Blair every day of the week. Even though the most recent fire drill was held on a day when the majority of these therapists were at Blair, the school still **failed to meet** the evacuation **time limits**.

Staff and LSC members conclude that the **loss of six child welfare attendants**

contributed significantly to Blair's inability to evacuate the school quickly enough, and they have grave concerns about the **potential disaster** that Blair will face in the event of an emergency.

EXAMPLE: ROBERTO

Roberto is a fifth grader with autism at George Rogers Clark Elementary School on the West Side. He has learned successfully in a regular classroom with the support of a full-time aide since kindergarten.

This teacher aide was assigned to help Roberto by modifying the classroom curriculum to address his disability, to ensure that he stayed on task and could follow the lessons, to assist Roberto with social skills and appropriate interactions with his classmates, and to protect Roberto's safety (because he sometimes acts impulsively and without sound judgment).

Contrary to Roberto's Individualized Education Program approved last May, his full-time aide was replaced this fall with a child welfare attendant (CWA). A CWA is trained to provide general supervision for children with disabilities and to assist with physical tasks, such as toileting, mobility, and feeding. The CWA assigned to Roberto is not trained to deal with Roberto's unique learning needs, which are spelled out in his IEP.

Roberto's mother confronted the school about their lack of compliance with Roberto's IEP. She was informed that a child welfare attendant (CWA) is "the best we can do."

Roberto's mother, who is a bilingual special education teacher in Chicago, observed her son in the classroom on September 21st and confirmed that the CWA is not providing the attention and assistance that is spelled out in Roberto's IEP. Roberto had difficulty following directions and keeping up with the class activities and was not redirected by the CWA to stay on task.

Without direct assistance, Roberto had difficulty following even simple instructions from the teacher. He was missing out on class work and is not participating in activities with his classmates. The CWA is providing **minimal supervision at best.**

As a special education teacher, Roberto's mother is aware of how difficult it is to get individualized services for students in Chicago, and the way that schools and teachers are discouraged from promising these services during IEP meetings. She is particularly upset that she now has to continue to fight for these services, even after they have been written into her son's IEP.

EXAMPLE: ADAM

Adam has muscular dystrophy, a severe degenerative muscle disease that requires Adam to have the full-time assistance of a classroom aide to function effectively in school. He has achieved well in the selective educational program at Whitney Young High School with a full-time aide in the past.

Adam's IEP requires that the aide help him with all physical tasks during the day, which include assistance in moving from the bus to school, moving his wheelchair from one class to another, placing the learning materials he needs on his desk, feeding him, and toileting him.

Adam can write if his arms are on the desk, but if his arm falls off the desk, he can't pull it back up. If he needs something from his book bag, he can't get it himself.

Although his IEP calls for a full-time individual aide, he has been required to share a series of aides with a second student since school began. At one point, the school planned to assign him a female aide, despite the

inappropriateness of a female aide assisting a 16-year-old male with toileting.

After his parents complained, he was assigned another aide who is shared with a student in a self-contained special education program at Whitney Young. This aide basically moves Adam to his class, and then leaves to attend to the other student for whom he is responsible.

It is imperative that Adam has the constant help of an aide, due to the severity of his disability and the unpredictable problems that can arise if he is left alone without assistance.

EXAMPLE: STEVEN

Steven has a cognitive disability that makes it hard for him to stay on track in carrying out multi-step learning tasks, such as solving a mathematics word problem. Now in fifth grade at Reinberg Elementary School on the Northwest Side, Steven has had a full-time individual aide at his side to tutor him and help him steer through such problems since kindergarten.

This year, he has been cut to a half-time aide. Steven's mother has observed his classroom. She says that, "the half-time aide works with Steven 10 times a day for 15 minutes at a time, running in and out. This aide is a bus aide, who is not trained to help Steven in the classroom. Steven is constantly distracted by the lack of regular consistent help. It's not practical, and it's not working. He was finally getting into the process of learning last year, but now he is constantly distracted and loses his way. It breaks my heart."

DISRUPTIVE IMPACTS OF TEACHER AND TEACHER AIDE STAFF REDUCTIONS

The examples described in Section 4 from the first four weeks of the school

year and the resistance to providing needed services to special education students during the last school year concretely illustrate a number of negative impacts on the quality of education. These problems that **result directly** from the staff cuts maintain the abysmal achievement and graduation rates for children with disabilities documented in Section 3.

Several types of negative impacts on the quality of education are occurring, based on the examples summarized above, which document the efforts of educators and parents to obtain adequate special education services, consistent with staff and federal laws and consistent with students' Individualized Educational Programs.

■ **Negative Impacts on Individual Children.** Obviously, the reductions in teacher aides or the refusal to provide an aide adversely impacts the quality of the education of the individual student who is denied needed services.

■ **Negative Impacts on the Classroom as a Whole.** When a child with a disability is not provided with a full-time individual aide or with other needed assistance, their often disruptive behavior undermines the teacher's ability to teach the rest of the students effectively.

■ **Negative Impacts on the Ability to Provide Education in the "Least Restrictive Environment."**

Individual aides are one of the key supplementary services that enable students with moderate to severe disabilities to function effectively in the regular classroom and to gain the benefits of learning with a broad range of students.

■ **A Patchwork of Inequitable Decisions.** While decisions reached in June 2006 about the levels of individual school staffing were supposedly "final,"

some schools have subsequently gotten most or all of their staff restored, while other schools where substantial cuts were made have gotten nothing. The families of some students were told "We don't provide full-time aides anymore," while other students received full-time aides. Parents with the means to hire lawyers have had services restored, while students whose families cannot afford legal help have gotten nothing.

■ **A Focus on Instruction is Undermined by the Need for the Teaching Staff to Carry Out the Responsibilities of Staff Who Have Been Eliminated.** This impact is most clearly illustrated by the situation at Blair Early Childhood Center. With the loss of six child welfare attendants, dedicated teachers must spend much of their time lifting children, changing their diapers, and feeding them. This allows much less time for educational activities.

■ **Possibilities for Serious Physical Harm to Children.** Individual children who carry out impulsive actions (such as attempting to eat pencils and possibly choking) illustrate the types of physical dangers to individuals that result from inadequate staffing. The possibility that Blair Early Childhood Center will not have enough staff to evacuate students quickly enough in the event of a fire raises dangers that can impact large numbers of children.

■ **Teacher Burnout and Turnover.** It is obvious that even dedicated teachers without adequate support are at risk of transferring to a better-resourced school district or leaving the profession. When the Chicago Board responds to the level of dedication at a school like Blair by cutting critically needed staff or tells a veteran teacher that an autistic child can be "contained" without a teacher aide, they undermine the commitments of some of the

system's most dedicated and talented teachers to remain in Chicago.

**ILLINOIS STATE BOARD OF
EDUCATION REFUSES TO
TAKE MEANINGFUL
ENFORCEMENT ACTION**

For the past six years, the Illinois State Board of Education (ISBE) has cited the Chicago Public Schools for failing to provide adequate numbers of paraprofessionals (aides) to support special education students, as required by the *Corey H. Settlement Agreements*. Yet ISBE has never taken enforcement action that have effectively corrected these violations.

This pattern of **identifying the same violations** year-after-year, but **not taking effective action** to correct them, was the central reason that ISBE was found to have violated the special education law in the *Corey H.* lawsuit in the **first place**.

In the past, Chicago's excuse for its continuing failure to find enough special education staff was that, despite aggressive recruitment efforts, additional staff could not be successfully recruited. Yet the June 2006 Chicago Board action represented a **deliberate effort** to cut 200 special education teachers and 750 special education aides **already employed** by the Chicago Board. Despite these deliberate staff cuts, which were totally under the control of the Chicago Board, ISBE has **again refused** to take any meaningful enforcement action.

5. RECOMMENDATIONS FOR NEEDED ACTION

It is obvious that **neither** the Chicago Board of Education nor the Illinois State Board of Education will **take meaningful action** to reverse the June 2006 elimination of 200 special education teachers and 750 teacher aides.

Therefore, Designs for Change supports the request of the plaintiffs in the **Corey H.** lawsuit (1) to enjoin Chicago from implementing these staff cuts and (2) to appoint a Special Master to ensure that needed corrective action is taken.

Further, regardless of the federal court's ruling, it is essential for parents of children with disabilities, educators, and special education advocates to pursue these same objectives through **organizing and advocacy** with the Chicago Board of Education, the Illinois State Board of Education, the U.S. Department of Education, and elected officials at all levels.

NOTES

¹ Rosalind Rossi (2006, June 29). Disabled students protest cuts, but board OKs school budget. *Chicago Sun Times*.

² Plaintiffs' motion for preliminary or permanent injunction. *Corey H., et al. vs. Chicago Board of Education and Illinois State Board of Education*. Case No. 92 C 3408. August 4, 2006.

³ Elaine Allensworth (2005, January). Graduation and dropout trends in Chicago: A look at cohorts of students from 1991 through 2004. Chicago: Consortium on Chicago School Research, pp. 62-64.

⁴ Allensworth.

⁵ Allensworth, pp. 62-64.