



## Support HB 3302 (Rep. Crespo)

### Ensure the Opportunity to Redress Chicago Public Schools' Illegal Delay and Denial of Special Education Services *and* Give All Parents Access to Their Own State Complaint Documents

#### HB 3302 will provide:

- Parents whose children were harmed by CPS' illegal delays or denials of special education services in the 2016-17 and 2017-18 school years will have at least a two year "clock" to file a state complaint. The timeframe begins when the State Board of Education develops and notifies families of the compensatory education plan based on the state's finding of CPS' extensive violations of special education laws.
- Parents in Illinois who file a successful state complaint against their Local Education Agency (LEA) will be provided with a copy of all documents that the LEA provided to the State Board of Education as evidence of compliance with state-mandated corrective orders.

#### Why HB 3302 is needed:

- In response to concerns raised by CPS parents, teachers and advocates regarding special education, ISBE conducted the state's first-ever Public Inquiry in 2018. ISBE concluded that specific CPS policies and practices violated the federal Individuals with Disabilities Education Act (IDEA), which protects students' right to a free and appropriate public education. One component of ISBE's corrective action, "Student Specific Corrective Action," calls for ISBE to develop a process for IEP teams to follow as they assess the harm caused by CPS' delay or denial of services and determine remedial opportunities. In addition, the Board must establish an expedited Complaint procedure through ISBE for individual parents and families who dispute the district's proposed compensatory service. Although the ISBE corrective action plan was approved on May 16, 2018, no compensatory services mechanism has yet been proposed. **Parents are still waiting to find out how CPS intends to redress the service failures that the district intentionally imposed on students. As time passes, the statute of limitations for filing a state complaint (one year from the date of the alleged violation) is running out for families.** This bill will provide the thousands of parents entitled to compensatory education for their children with time to evaluate the adequacy of the district's proposal and seek further compensation if they deem it to be insufficient.
- The State Board of Education already guarantees that families who file state complaints will receive a copy of the LEA's response to their complaint along with all documentation submitted as part of that response. Families also need to know whether and when a LEA complies with a state-ordered corrective response. Sometimes LEA's drag their feet, and sometimes they delay their response by requesting clarification from the state. Under current law, the family or its attorney must file a Freedom of Information Act request to see proof of compliance. HB 3302 guarantees that families will know how the LEA has responded to the ISBE determination.

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