

March 21, 2024

**RESCIND BOARD REPORT 99-0526-PO1
FACILITY UTILIZATION AND ESTABLISH GOAL THAT EACH CHICAGO PUBLIC AND CHARTER
SCHOOL ENROLL A NATURAL PROPORTION OF STUDENTS WITH DISABILITIES**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

Rescind the following outdated Board Policy for the reason stated below. This rescission was posted for public comment from January 26, 2024 until February 26, 2024.

<u>Board Report & Policy Section Numbers</u>	<u>Policy Name</u>	<u>Reason for Rescission</u>
99-0526-PO1, Policy 410.3	Facility Utilization and Establish Goal That Each Chicago Public and Charter School Enroll a Natural Proportion of Students With Disabilities	The policy outlined below is outdated and should no longer be included as a district policy. There is no longer a minimum percentage of students with disabilities that schools are required to enroll in CPS schools. Additionally, space utilization is no longer an issue as all schools in the district are required to accommodate and implement special education for Diverse Learners with the exception of students that require a low incidence special education program and/or accessible building. Lastly, students with disabilities are not placed in a private facility because of a lack of classroom space, as it will violate FAPE.

Every Chicago public school, including charter, magnet, and vocational schools, shall take steps to ensure that it:

1. Educates each student with disabilities who would attend that school if the student was not disabled when the special education, related services, and supplementary aides and services reflected on the student's IEP are available or can be made available in the school.
2. Takes steps to reach a goal for enrolling a natural proportion of students with disabilities. For purposes of this policy, natural proportion refers to a school enrollment rate of students with disabilities that is, at a minimum, within plus or minus 5% of the Chicago Public Schools' citywide enrollment rate. This goal does not effect the continued role and existence of special schools designed for the education of students with significant disabilities
3. The space utilization priority standard described below shall be followed to ensure that each disabled student who can not be appropriately educated in a school (s)he would attend if not disabled has the opportunity to attend a school that is located within a reasonable distance from

the student's residence and that no disabled student is placed in a private facility solely because of a lack of classroom space.

SPACE UTILIZATION STANDARD

Principals will utilize school space by prioritizing classroom space for core curriculum instruction, including special education instruction. Schools that are physically accessible shall accommodate a student with a physical disability who is unable to attend his/her home or magnet school/program because it is not accessible and can not reasonably be made accessible.

To implement this policy:

1. Every school that does not currently enroll a natural proportion of students with disabilities shall include in its School Improvement Plan strategies for meeting this goal, beginning in September 1999. High schools will begin with the September 1999 freshman class. The strategies will include a description of the technical assistance and training necessary for school staff to address the needs of students with disabilities and classroom space considerations;
2. Every school shall include in its School Improvement Plan strategies for offering a full continuum of services (regular class with supplemental aides and services; resource class; instructional class) for students with disabilities;
3. No school will cap its enrollment of students with disabilities or otherwise preclude them from attending their current or home school, or from attending a school necessary to provide a free appropriate public education in the least restrictive environment; and
4. The Region Education Officers (REOs), the Chief Specialized Services Officer (CSSO), and principals will collaboratively develop strategies and plans for reducing the number of students with disabilities enrolled in schools with disproportionately high rates

The Region Education Officer and Chief Specialized Services Officer, or their designees, will review these School Improvement Plans to ensure their adequacy and will require changes as necessary.

To ensure the implementation of this policy, the appropriate REO and CSSO will have joint authority to require the enrollment of a student with disabilities in a specific school. The officers will take the following factors into consideration: the school has or will have appropriate special education and related services for the students to be enrolled; the student will be able to remain at the school for all grades housed by the school, except that students in preschool programs (ages three and four years old) will continue to return to their home schools at five or six years of age; the school does not have a disproportionately high number of children with disabilities, unless there is no other means for providing the students with an appropriate education in the LRE; the school shall enable the student to receive services in the LRE; and that the school selected offers the best option for implementing this policy.

Illustrative models may be used to implement this policy are attached as Appendix A. The Office of Specialized Services will provide the Chicago Reform Board of Trustees with an annual report regarding the implementation of this policy.

APPENDIX A - IMPLEMENTATION MODELS

1. Elementary & High Schools:

Establish cluster classrooms for students with low incidence disabilities who require instruction, at least part of the time, in a separate classroom. Such students have disabilities that are relatively unique and

complex, i.e., students with autism, multiple disabilities, hearing or vision disabilities, etc. Note the classroom space for such children is in chronic shortage. Students residing closest to school would be identified to minimize transportation distance and related service costs

2. High Schools:

Establish informal feeder school patterns with schools that normally feed into high schools that have a high proportion of students with disabilities. Such coordination would foster a steady and predictable enrollment stream and encourage staff relationships that would support student articulation.

3. High Schools:

Recruit students with disabilities who (with curricular accommodation and modification, and supplementary aides and services) could benefit from instruction in regular classes. With appropriate staff and support, these students could benefit from access to the high school's core curriculum. Recruitment could begin with those eighth grade classes that are located closest to the high school to minimize travel time.


4. Elementary Schools:

A school with a low proportion of students with disabilities may pair with a school that has a high proportion of such students which is located within a reasonable distance. Offer parents the opportunity to send their child to the paired school through a voluntary transfer program.


Cross References: 94-0525-PO2

Legal References: Corey H vs. The Board of Education of the City of Chicago, et. al., Settlement Agreement


Approved for Consideration:

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