

**December 15, 2021 Board Meeting Written Comments**  
**Received between Monday, December 13<sup>th</sup> and Thursday, December 16<sup>th</sup>**  
**Submitted via Written Comments Form**

1	<p>I have been a School Counselor with CPS for 11 years. I work very closely with 8th grade students at my school to help them navigate the high school application process. I have some serious concerns about the equity of the process and HS admission exam. First, I find it extremely unfair that the high school admission exam is only offered in English. What about students who have recently moved to this country and do not speak English? Or English Language Learners who test better in their native language? Shouldn't they have a chance to score well and attend a selective enrollment school? I do not understand how this practice is fair or equitable. Why is translation not allowed? Aren't we measuring if the child can master the skill? It should have nothing to do with language, especially when looking at the Math section. The limited accommodations, such as extended time and small group setting, are not sufficient for some English Language Learners. Secondly, I would beg the district to consider looking at first and second quarter 8th grade grades rather than solely at 7th grade grades for high school acceptance. Why aren't we using the most current data when determining a high stake opportunity for students? We are dealing with 13 and 14 year olds. In 7th grade, it's hard for many children to focus on the importance of an event that is two years away. I have many students with average grades in 7th grade but in 8th grade have straight A's. 8th grade grades should not be ignored! I have never understood the philosophy behind this decision when more current grades are available and students don't find out where they are accepted to until March or April. There is plenty of time to wait and look at 8th grades. This year, there was not even eligibility to apply to schools in regards to grades so I do not understand why 7th grade grades are the only grades looked at.</p>
2	<p>Chicago has some of the best high schools in the country. That, and that alone, is keeping a significant portion of your tax base in the city. SEHS are the jewel of CPS, and the "tiers" are unjust—merit alone should be the sole determinant.</p>
3	<p>The selective enrollment schools have demonstrated that schools with resources will do better at providing better learning environments for students. When the strongest students are concentrated in a few schools, that hurts the rest. Please make sure to put more resources into supporting facility needs at neighborhood schools.</p>
4	<p>See attached written comments. -Dr. Alvarez</p>

# ATTACHMENTS

CPS STATEMENT 12/15/21

In September, my colleague and I filed a Systemic State Complaint with ISBE regarding this District's widespread denial of a free appropriate public education for students with disabilities who are owed transportation.

As of December 9, there are over 1500 students who do not have bus routes and no regular access to education.

ISBE put CPS under Corrective Action stating, in part:

"While this agency understands that districts nationwide are struggling with a shortage of bus drivers, a shortage of resources is not a valid reason for a district's failure to provide special education and related services."

ISBE required CPS to submit a transportation plan by December 10th.

Based on the District's submission, it is clear that CPS fails to understand its obligation to provide appropriate education to students with disabilities.

In its proposal, CPS offered something called Alternative FAPE.

In the Alternative FAPE scenario, CPS gives one-size-fits-all curricular packets to families. Not only does this demolish the INDIVIDUAL in Individualized Education Program but a packet cannot satisfy FAPE.

How does a curricular packet satisfy counseling services? Speech services? OT services? Sending packets to parents with no offer of teacher-led instruction or access to related services is not providing appropriate education opportunities.

There is no such thing as Alternative Fape. Frankly, we are amazed that a legal representative of the third largest school district would espouse such an absurd plan. I am deeply disappointed in this Board's inattention to the provision of FAPE for students without transportation.

I was hoping to see a plan where CPS prioritizes students with disabilities and seriously considers their access to education. Instead, CPS has so far abdicated its role entirely, leaving students at home without instruction and services.

Thank you.

Miriam Bhimani



# Illinois State Board of Education

100 North First Street • Springfield, Illinois 62777-0001  
www.isbe.net

**Darren Reisberg**  
Chairman

**Dr. Carmen I. Ayala**  
State Superintendent of Education

November 12, 2021

VIA EMAIL

Dr. Stephanie Jones  
Chief Officer  
Office of Diverse Learner Supports and Services (ODLSS)  
City of Chicago School District 299  
42 West Madison Street, 3<sup>rd</sup> Floor  
Chicago, IL 60602

and

Mr. Pedro Martinez  
Chief Executive Officer  
City of Chicago School District 299  
42 West Madison Street, 2<sup>nd</sup> Floor  
Chicago, IL 60602

Re: Systemic Complaint  
Transportation  
Case Number 2022-CO-0022

Dear Dr. Jones and Mr. Martinez:

The Illinois State Board of Education (ISBE), Special Education Department, has completed its investigation of the complaint, dated September 13, 2021, lodged by Miriam Bhimani (Complainant 1) and Terri Smith (Complainant 2) regarding the special education services for students with disabilities enrolled in the district. Authority for conducting this investigation is the Individuals with Disabilities Education Act (IDEA), P.L. 108-446, 34 CFR, 300.151 - 300.153.

The review focused on the following requirements:

**34 Code of Federal Regulations, §300.17, which states**

*Free appropriate public education or FAPE means special education and related services that-*  
d) *Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§ 300.320 through 300.324.*

**23 Illinois Administrative Code, 226.200, which states**

*Each school district shall provide special education and related services to eligible children in accordance with their IEPs.*

### **Background and Summary of Allegations**

The complainants alleged a widespread denial of a Free Appropriate Public Education (FAPE) to students whose Individualized Education Programs (IEPs) require transportation as a related service beginning on August 30, 2021, through the present. Specifically, the complainants stated that, on August 28, 2021, approximately 1,000 parents of students with disabilities received telephone calls from district representatives informing them that their children's transportation had been canceled.

### **Action Taken in Response to the Complaint**

ISBE took the following actions during the investigation:

- Reviewed the *Request for State Special Education Complaint* form, received via email on September 13, 2021, and supporting documentation provided with the complaint;
- Spoke with the complainants via telephone on September 17, 2021, regarding the issues identified in the complaint;
- Exchanged emails with the complainants on September 16 and 21, 2021 and October 1, 2, 4, 6, 7, and 8, 2021;
- Exchanged emails with the district on September 16, 2021, October 4, 5, 11, 19, 27, and, 28, 2021, and November 4, 2021;
- Reviewed the district's written responses to the complaint, dated October 4 and 11, 2021, and supporting documentation provided with the responses; and
- Conducted telephone interviews with five district administrators on November 1 and 2, 2021.

### **Findings/Conclusions**

#### **Issue 1—Transportation {34 CFR, §300.17, 23 IAC 226.200}**

The district acknowledged failure to comply with the requirements as explained below:

#### **Allegation by Complainant**

The complainants alleged a widespread denial of a FAPE to students whose IEPs require transportation as a related service beginning on August 30, 2021, through the present. Specifically, the complainants stated that, on August 28, 2021, approximately 1,000 parents of students with disabilities received telephone calls from district representatives informing them that their children's transportation had been canceled. The complainants stated that the students whose parents are unable to provide transportation to their schools have not received a FAPE so far this school year and there is no indication from the district that a FAPE is forthcoming. The complainants further expressed concerns that the district's transportation policy fails to prioritize bus routes for students with disabilities.

On October 2, 2021, the complainants submitted documentation and provided an explanation of the "evidentiary value" of each document, outlined as follows:

1. Single/Sole Source Justification Form—According to the complainants, this document is a proposal to contract for "Student Transport Optimization." The complainants stated, "Transportation Route Tiering, Optimization, and Maintenance Services for Fall and Summer SY [school year] 21/22 proposed to mitigate for the anticipated cost increases associated with the

various (unspecified) reopening plans under consideration by the Board of Education (BOE). The complainants stated that this proposal failed to acknowledge "...the unique challenges presented by the District's legal obligation to transport students whose IEPs indicate Transportation as a Related Service or proposes a potential solution for same."

2. Student Transportation Optimization Contract (adopted by BOE on June 23, 2021)—The complainants stated that the adoption of this contract supports their contention that the district's transportation practices and procedures fail to prioritize its FAPE obligation. The complainants reported that "...the contract lacks a 'Cost Minimized Strategy' that provides for the specific challenges presented by the District's FAPE obligation to students whose IEPs indicate Transportation as a Related Service..." Further, the complainants noted that specifying a lag time between the time the team determines that transportation is required as a related service and the date on which a bus will be assigned constitutes a FAPE violation.
3. ODLSS Transportation Procedures—The complainants referred to a statement on page 5 of the document regarding parent roles and responsibilities, which noted that the parent/guardian is to accept or decline transportation as a related service. The complainants stated that the procedures subvert "...the requirement that the IEP Team's determination that Transportation as a Related Services [sic] is required in order for the student to receive FAPE must be indicated on the IEP."
4. September 22, 2021, BOE Meeting—The complainants summarized that the Interim Chief Operating Officer (COO) informed the BOE that, as of the date of the meeting, there were 3,300 total students without transportation, 1,969 (60%) of whom were students with disabilities, and that at the onset of the school year, there were 2,100 students without transportation, 910 (43%) of whom were students with disabilities. The complainants noted that since the onset of the school year, the percentage of students with disabilities that were without transportation increased by 17 points. The complainants noted that the interim COO reported that the district's first priority is to secure transportation for the 100 students who had not yet been to school. A BOE member asked if students with disabilities and students in temporary living situations were "next in line." Per the complainants, the interim COO did not answer directly but indicated that students with disabilities and students in temporary living situations were among the prioritized students. Further, the complainants reported that the BOE Chairman introduced the potential option of providing a remote learning option to students who experience ongoing transportation issues or for whom other considerations cannot attend school. Per the complainants, the BOE Chairman expressed particular concern for students with disabilities.
5. Student Transportation Services "White Form"—According to the complainants, this document "...subverts the District's FAPE obligation by requiring parents to apply for Transportation irrespective that the IEP Team relegated Transportation as a Related Service on the IEP." Additionally, the complainants pointed out that the July 22, 2021 submission deadline is inconsiderate of students whose IEPs were finalized during "Summer Assessment," parents who were not provided with the White Form, and students who transfer into the district from other districts. The complainants cited a statement on the form regarding parent acknowledgment that their child/children will use the bus service on a regular basis and that a lack of regular use could cause the assigned school site stop location to be removed from the route for the remainder of the year. The complaints noted that such statements suggest that the district absolves itself of its FAPE obligation in the event of student absences.

#### Response from District

The district reported that months prior to the start of the 2021-22 school year, it had been monitoring the national bus driver shortage, caused in large part by the COVID-19 pandemic, which closed school

buildings and lead to driver furloughs, shuttered facilities where drivers obtain or renew their specialized licenses, and required more drivers than typical due to social distancing needs on busses for safety. Additionally, a more recent district and statewide vaccine requirement (Executive Order 21-22) for bus drivers resulted in the loss of additional drivers.

The district reported that, despite a shortage of 400 drivers, all students were routed before the start of the school year by maximizing routing efficiencies and a mitigation strategy of students arriving at school 30 minutes early or departing from school 30 minutes after the end of the day. The district reported that it used this strategy with 5,500 students and provided resources to the schools impacted by the mitigation efforts to ensure the additional time students spent at school was as productive and safe as possible.

However, on Friday, August 27, 2021, one business day before the beginning of the school year, an additional 100 bus drivers quit, leaving 2,100 students, including 990 students with IEPs, without transportation for the first day of school. The district reported that it immediately began calling the families impacted by this unexpected turn of events, offering one-time financial assistance of \$1,000, and a transportation incentive of \$500 per month.

According to the district’s October 4, 2021 response, approximately 2,459 students with IEPs were currently without transportation services. The district reported that since the beginning of the school year, it has continued its mitigation strategies to provide transportation to students, including financial assistance for families self-transporting students, contracting with companies that have smaller transportation vehicles (including taxi and cab companies), and providing vendor incentives in an effort to hire and retain bus drivers.

In their October 4, 2021 response, the district reported the following data:

- Total number of students with IEPs enrolled in the district that require transportation as a related service: 9,656 (as of September 21, 2021)
- Total number of students with IEPs enrolled in the district that require transportation as a related service that are receiving transportation provided by the district: 6,334 (as of September 27, 2021)
- Total number of students with IEPs enrolled in the district that require transportation as a related service but have not received transportation provided by the district: 2,415 (as of September 27, 2021)
- Total number of students with IEPs enrolled in the district that require transportation as a related service but have not attended school during the 2021-22 school year: 136 students (as of October 5, 2021)
- Total number of families of students with IEPs who require transportation as a related service that the district is issuing monetary payment for providing transportation: 440 students (as of September 27, 2021)

Review of Relevant Information

District Data	The district submitted a list of approximately 2,415 students with IEPs enrolled in the district that require transportation as a related service who have not been provided transportation during the 2021-22 school year.
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<p>Policy Manual Section 702.6 (Adopted March 27, 2002)</p>	<p>According to the manual, the transportation policy "...promotes and codifies [district's] efforts to support a cost-effective and safe school bus transportation program for students by: (1) providing a means by which the district can gather in a timely fashion the information it needs to create school bus routes; (2) establishing a way for parents to request that the school bus pick-up site for their children be changed; and (3) providing avenues of communication with parents or legal guardians regarding the [district] transportation program and its options."</p>
<p>Procedural Manual Guidance on Providing Special Education and Related Services to Students with Disabilities Pursuant to the Individuals with Disabilities Education Act 2019-20 School Year</p>	<p>The procedural manual notes that the IEP team is responsible for determining if transportation is required to assist a student with a disability to benefit from special education, and how the transportation services should be implemented. The manual noted that specialized transportation services can be a fundamental component of the provision of a FAPE that will assist students in preparing for employment and independent living in their communities.</p> <p>The procedural manual outlines specific guidelines for transportation as a related service. The manual states that an IEP team may decide that a student with disabilities needs transportation services only if documentation shows that one or more of the following guiding principles is met:</p> <ol style="list-style-type: none"> <li>1. Student in neighborhood (zoned) school or school of choice</li> <li>2. ODLSS-Assigned School</li> <li>3. Students Six Years of Age or Younger</li> <li>4. Special Circumstances</li> </ol>
<p>Undated Letter</p>	<p>In a letter to principals from the interim COO and the Executive Director of Student Transportation Services, principals were notified that within the last 48 hours, a significant number of bus driver resignations had been received, which put an additional strain on the transportation team. The letter stated, in part:</p> <p>"...Despite our best efforts to minimize disruption, we do have families who will be impacted by our need to reorganize bus routes. We anticipate the following impacts:</p> <ul style="list-style-type: none"> <li>• Diverse Learners: We are prioritizing reroutes for this student population. However, we cannot guarantee that transportation is available for all and we do also anticipate changes to some of their previously disclosed pick-up times.</li> <li>• Magnet + Gifted Schools: Unfortunately, we anticipate not being able to provide transportation support to a number of students attending magnet and gifted schools.</li> <li>• Longer Routes Resulting in Earlier Pick-Up Times/Later Drop-Off Times: Because of the driver shortage, we are rerouting and combining existing bus routes, which is creating a longer ride for our students. This may mean that students will be dropped off at school earlier and/or staying at school later than expected. We are asking schools to please ensure there are plans in place to receive these students earlier and</li> </ul>



	<p>keep them longer at the end of the day. Breakfast, lunch, and after-school snacks will be provided.</p> <ul style="list-style-type: none"> <li>• Longer Routes Resulting in Children Being Late to School: We foresee some routes inevitably having to transport students to school after the day has begun. Please excuse any tardies for students who arrive late because of their bus and allow students access to breakfast if needed. We ask for your patience and flexibility in accommodating these students as they arrive.”</li> </ul> <p>The letter stated that robocalls, or calls that deliver a pre-recorded message, and emails would be sent to all families impacted by these changes throughout the weekend and explained the financial assistance that was being offered to families.</p>
<p>Documentation of the District’s Communication Efforts</p>	<p><u>August 28, 2021—General Message</u></p> <p>The district submitted a robocall script that was delivered to the families of all students who take the district bus transportation. Per the script, the district reported its need to make adjustments to transportation schedules and bus routes due to the nationwide shortage of school bus drivers. It was noted that these changes, beginning on August 30, 2021, would only impact a small number of students. Further, it was stated that more detailed information would be provided before the first day of school. According to the communication log, approximately 20,783 robocalls were made.</p> <p>The document also included an email template with the subject line, “Update to Bus Transportation for the 2021-22 School Year,” with a similar message as the scripted robocall. However, the communication log provided by the district did not include email communications. Therefore, it cannot be determined whether this email was sent.</p> <p><u>August 29, 2021—Longer Routes Resulting in Earlier or Later Drop Off Times</u></p> <p>This robocall script indicated that, due to the nationwide shortage of school bus drivers, pick-up times may be earlier than expected or children may arrive home from school later than usual. The script further addressed the financial assistance offered by the district to arrange alternative transportation. According to the communication log, approximately 19,145 robocalls were made.</p> <p>The document also included an email template with a similar message. Per the communication log, approximately 10,944 emails were sent.</p> <p><u>August 29, 2021—Message to Families: No Transportation</u></p> <p>The robocall script indicated that the district would not be able to provide the recipient’s child with bus transportation to and from school. The script did, however, notify the recipients that they are eligible for financial assistance to arrange for alternative transportation for the student. Per the communication log, approximately 6,050 robocalls were made.</p>

	<p>The document also included an email template with a similar message. Per the communication log, approximately 2,193 emails were sent.</p> <p><u>Family and Community Engagement (FACE) Outreach</u>  The district submitted a call script that was reportedly utilized when the FACE team contacted the families of students with IEPs. The script included questions regarding the impact of transportation on attendance and the financial assistance program offered by the district. Per the script, parents/guardians with concerns regarding missed IEP services were directed to their school’s case manager. Parents/guardians wishing to discuss their concerns with ODLSS or seeking information regarding the dispute resolution options available at the state level were directed to the Parent Involvement Specialist in ODLSS.</p> <p>The district also submitted a “Transportation Support—FACE Outreach Form.” Although the district did not provide an explanation of this form, it is presumed that the form is utilized to record the responses from the calls conducted using the outreach script. The response log provided by the district indicated that approximately 74 outreach calls had been made.</p>
<p>September 13, 2021  Documentation  Submitted by  Complainants</p>	<p><u>August 30, 2021 Email</u>  In an email to the Interim Chief Education Officer (CEO) and the Chief Officer (CO) of ODLSS, Complainant 1 requested the district’s transportation policies. Complainant 1 noted concerns that she was unable to locate the district’s transportation policies, as well as concerns regarding the district’s “no-bid transportation routing contract with an outside vendor.” Complainant 1 stated, in part, “...It seems like [the district] is spending a lot of money to outsource transit routing without much oversight and I’m curious if the algorithms can be optimized to serve students with disabilities, particularly. I think one of the ways to do this is to have an expressly written policy directly relating to transportation...”</p> <p><u>September 1, 2021 Email</u>  In response to Complainant 1’s August 30, 2021 request for the district’s transportation policy, the CO of ODLSS reportedly provided the complainant with the ODLSS IDEA procedural manual and guidance on transportation for students with disabilities but referred Complainant 1’s specific questions regarding transportation to the district’s transportation department, which was copied on the email.</p> <p><u>September 2, 2021 Email</u>  Complainant 1 further questioned board policies regarding transportation and specifically asked if the district has a policy that prioritizes bus route creation for students with disabilities. Complainant 1 asked if the district could create one if such a policy was not already in effect. Complaint 1 stated, in part:</p> <p>“...At the moment, we have many students in the District who were dropped from their bus routes as a related service and subsequently, the District is not providing a FAPE for those students. As you know, this is the District’s legal obligation.</p>

	<p>This is an issue every single year, not just this year. My concern is that [the district] does not have a singular transportation policy and multiple policies/guidance are leading to uneven and inequitable outcomes.</p> <p>The programming is only as good as the policies allow it to be and works only with the parameters the District sets for it. Efficiency is one thing but dropping students with disabilities from bus routes isn't efficiency, it's illegal. That we have students programmed for magnet school transportation ahead of students with disabilities seems to be a feature in [district] programming, not a bug.</p> <p>I am looking for the policy within the District that provides priority for paratransit so the District can satisfy IDEA and ADA [Americans with Disabilities Act] laws. Does this exist?"</p> <p>While awaiting a response, Complainant 1 also sent a follow-up email to the interim CEO and the CO of ODLSS questioning if the board could offer remote learning to students with IEPs who have busing as a related service who do not have bus routes. She further questioned if remote learning opportunities could satisfy FAPE for a subset of students who would accept it. Complainant 1 stated, in part:</p> <p>"...I am particularly interested in a possible offering of remote learning when the District is not providing FAPE because it has failed to provide busing as a related service..."</p> <p><u>September 7, 2021 Email</u></p> <p>The ISBE appointed monitor for the district provided a response to Complainant 1 and noted that the district's law department has provided regular updates regarding the bus driver resignations/shortages and the resulting impact on transportation availability and routes for students with disabilities. The ISBE appointed monitor noted that, as expected, the numbers continue to fluctuate based on new transportation requests and increasing driver resignations.</p> <p>The ISBE appointed monitor further referenced the resources in ISBE's August 31, 2021, Weekly Message to address the school bus driver shortages.</p> <p>In response, Complainant 1 questioned if ISBE prohibits LEAs from providing a remote learning option to students with disabilities when the LEA does not provide their mandated transportation.</p>
<p>September 22, 2021 Fall Opening Transportation Update Presented at BOE Meeting</p>	<p>According to the presentation materials, the district identified alternative transportation options for 3,300 students who were without transportation services as a result of the recent resignation of bus drivers. The options were listed, as follows:</p> <ul style="list-style-type: none"> <li>• Financial Assistance for Families Self-Transporting their Children—The presentation materials indicated that the district would be mailing checks directly to schools for distribution to parents. The first batch of</li> </ul>

	<p>checks was issued to schools on September 17, 2021, and the second batch would be ready for distribution the week of September 27, 2021.</p> <ul style="list-style-type: none"> <li>• Taxi/Cab Companies—It was noted that the district was finalizing agreements with cab companies to assist with transportation for 120 students who would be transported with bus aides.</li> <li>• Smaller Transportation Vehicles (8-10 person vans)—Per the presentation materials, the district was working out the final details with vendors to provide additional drivers and vehicles to transport about 75 students.</li> <li>• Vendor Incentives—According to the presentation materials, the district was finalizing efforts to provide driver signing bonuses and retention payments for yellow bus and paratransit vendors.</li> </ul> <p>Presentation materials, written comments, and video recording were obtained from <a href="https://www.cpsboe.org/meetings/past-meetings">https://www.cpsboe.org/meetings/past-meetings</a>.</p>
<p>October 27, 2021 Transportation and Operations Update BOE Meeting</p>	<p>During the BOE meeting, the Executive Director of Student Transportation Services provided a transportation update. The following information was reported:</p> <p>Student Transportation Attendance Update October 19, 2021</p> <ul style="list-style-type: none"> <li>• The presentation materials indicated that 2,335 diverse learners (DL) were without services.</li> </ul> <p>Alternative Transportation</p> <ul style="list-style-type: none"> <li>• Financial Assistance for Families Self-Transporting their Children: Checks—It was reported that checks were mailed directly to schools for distribution to parents. The first three batches had already been delivered and the fourth batch was in process.</li> <li>• Taxi/Cab Companies—It was reported that the vendor along with district bus aides began transporting students on October 20<sup>th</sup>.</li> <li>• Smaller Transportation Vehicles (8-10 person vans)—It was reported that agreements with two vendors had been fully executed and the district was in the process of finalizing an agreement with a third vendor.</li> <li>• Yellow Bus Vendor—A yellow bus vendor would begin transporting students on November 1<sup>st</sup>.</li> <li>• Vendor Incentives—It was reported that meetings were held with all transportation vendors for implementation for second quarter.</li> <li>• It was noted that these alternative transportation options were for the 3,800 students who are without transportation services as a result of the recent resignation of bus drivers with 2,300 being DL.</li> </ul> <p>Transportation Non-Attendance</p>

	<ul style="list-style-type: none"> <li>• According to the presentation, 107 students were coded with non-attendance.</li> <li>• 51 students were identified as “active” and 56 students were identified as “inactive.” Students coded as inactive included students who transferred to a non-public facility, transferred outside the district, were voluntarily withdrawn by their parent/guardian, graduated, or did not arrive.</li> <li>• 50 of the 51 active students were identified as DL. 32 of those students were routed, effective October 20, 2021, and the remaining 18 would be routed, effective October 29, 2021.</li> </ul> <p>Further, the Executive Director of Student Transportation stated that the district began using alternative modes of transportation starting with taxi cabs beginning on October 20, 2021. It was reported that the district secured two new vendors that would begin providing services the week of November 1, 2021.</p> <p>Presentation materials, written comments, and video recording were obtained from <a href="https://www.cpsboe.org/meetings/past-meetings">https://www.cpsboe.org/meetings/past-meetings</a>.</p>
<p>November 1 and 2, 2021 Telephone Interviews</p>	<p>ISBE conducted a telephone interview with the interim COO on November 1, 2021. Additional telephone interviews were conducted by ISBE with the Executive Director of Student Transportation, the Director of Student Transportation-Diverse Learners, the CO of ODLSS, and the Transportation Supervisor for Student Transportation on November 2, 2021.</p> <p>The following information was obtained:</p> <ul style="list-style-type: none"> <li>• When questioned how it was determined which students would receive transportation services at the beginning of the 2021-22 school year, each administrator provided a similar explanation. Specifically, it was explained that, prior to the bus driver resignations, all students had been routed and were expected to receive transportation. However, any student on a route assigned to a driver that resigned was impacted.</li> <li>• Three of the five administrators reported that the district is actively encouraging its vendors to recruit and hire drivers.</li> <li>• Four of the five administrators reported that the district has implemented its own recruiting efforts to secure additional vendors to provide transportation.</li> <li>• All five administrators reported that transportation data are being tracked and monitored by the transportation department and ODLSS.</li> <li>• Four of the five administrators reported that the district has established two call centers in an effort to ensure ongoing communication with parents regarding student transportation.</li> <li>• When questioned what the district has done to ensure the provision of FAPE to students with IEPs that have not received transportation services, one administrator deferred to ODLSS, two reported the</li> </ul>

	<p>districts efforts to secure alternative means of transportation, one administrator referenced the district’s financial assistance program, and one administrator reported that educational leaders are contacting families and providing instructional packets for students to complete. The same administrator acknowledged the district’s responsibility to provide compensatory services.</p> <ul style="list-style-type: none"> <li>• With regard to the district’s timeframe for getting all students with IEPs routed to ensure the provision of FAPE, four administrators reported that it is projected that all students with IEPs will be routed by January 2022, with the fifth administrator stating that all students with IEPs will be routed as soon as possible.</li> <li>• When questioned if the district has a plan in place to compensate students with IEPs for any loss of special education services, all administrators deferred to the CO of ODLSS who reported that compensatory education meetings will be convened.</li> </ul>
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Summary and Discussion

The complainants alleged a widespread denial of a FAPE to students whose IEPs require transportation as a related service beginning on August 30, 2021, through the present. Specifically, the complainants stated that, on August 28, 2021, approximately 1,000 parents of students with disabilities received telephone calls from district representatives informing them that their children's transportation had been canceled. The complainants stated that the students whose parents are unable to provide transportation to their schools have not received a FAPE so far this school year and there is no indication from the district that a FAPE is forthcoming. The complainants further expressed concerns that the district’s transportation policy fails to prioritize bus routes for students with disabilities.

The district acknowledged failure to comply with the requirements due to various factors resulting from the COVID-19 pandemic, including a bus driver shortage and a state and district vaccine mandate.

The district reported that its efforts to provide transportation included encouraging its vendors to hire drivers, pursuing and securing additional vendors, and offering an incentive program to increase the driver pool and retain existing drivers. Further, the Executive Director of Student Transportation reported in an interview that, as of November 2, 2021, the district successfully onboarded four new vendors with three new vendors pending. It was also reported that two call centers have been established to ensure ongoing communication with parents regarding the status of district transportation.

With regard to its efforts to prioritize routing for students with disabilities, the district reported that the transportation department and ODLSS are tracking and monitoring the data. It was explained that the district initially targeted any students that were not receiving transportation that had not attended school. The district identified 50 students with IEPs on the nonattendance list and reported that, as of October 29, 2021, all 50 of those students had successfully been routed. The district did not provide information to indicate that a specific group of students will be targeted next, but district administrators reported in interviews that they are exhausting all of their available resources in order to get students with IEPs routed as soon as possible.

The district reported that it implemented a financial assistance program in an effort to provide FAPE to students with IEPs who are not receiving transportation from the district. Specifically, the district offered

\$1,000 upfront and \$500 monthly for families to find alternative modes of transportation. The CO of ODLSS reported in an interview that educational leaders are contacting families and providing instructional packets for students to complete. However, no documentation of these actions was provided by the district as verification that this is occurring. The CO of ODLSS also expressed the district's understanding of its obligation to provide compensatory services to students with IEPs.

In their proposed resolution, the complainants requested advisement as to whether the ISBE prohibits the district from providing a remote learning alternative in order to meet its FAPE obligation during the "busing crisis." In accordance with the Illinois School Code (ILCS), districts may be permitted or required to offer remote learning in certain circumstances. Per the Current Remote Learning Options Under Illinois Law Guidance for School and Districts document (<https://www.isbe.net/Documents/Remote-Learning-Guidance-Chart.pdf>), the State Superintendent has the authority under Sections 10-30 and 34-18.66 of the Illinois School Code to declare a requirement for a school district, multiple school districts, a region, or the entire state to use remote learning days when a disaster declaration is in effect. Further, under 105 ILCS 5/10-29, any school district may establish a Remote Educational Program by resolution of its board. Districts that adopt such a policy may allow a student to participate in a Remote Educational Program when there is a determination by the school district and the parent/guardian that the program will best serve the student's individual learning needs and the student meets the criteria for participation defined in the policy. Additionally, the Illinois School Code at 105 ILCS 5/14-13.01(a) and the Illinois Administrative Code (IAC) at 23 IAC 1.520 and 226.300 allow for the provision of home/hospital instruction. Home/hospital services are provided to a student when a physician licensed to practice medicine in all of its branches, a licensed physician assistant, or a licensed advanced practice registered nurse determines that the student will be absent or is anticipated to be absent from school for a minimum of 10 days during the school year due to a medical condition. Finally, under 105 ILCS 5/10-20.56, a school board may adopt a policy for an e-learning program wherein students can receive instruction electronically while they are not in the building. E-learning days can only be used in lieu of a scheduled emergency day and are limited to the minimum number of emergency days in the approved school calendar (five). Given this information, students impacted by the bus driver shortage could potentially be eligible for remote learning if the district has adopted a school board policy that includes criteria for determining that a Remote Educational Program will best serve the student's individual learning needs and the student meets the criteria established by the district's policy. Impacted students may also potentially be eligible for home/hospital instruction if it has been determined by a physician licensed to practice medicine in all its branches, a licensed physician assistant, or a licensed advanced practice registered nurse that a student will be absent or is anticipated to be absent for a minimum of 10 days during the school year due to a medical condition. However, none of the statutes or regulations would allow the district to provide a remote learning alternative to all impacted students solely on the basis that the district is experiencing a bus driver shortage.

The complainants also requested in their proposed resolution that the district prioritize its FAPE obligation in the planning of bus routes. Based upon a review of the documentation, the district has policies and procedures in place for determining the need for transportation for students with IEPs in order to afford those students a FAPE. While state and federal regulations mandate the provision of FAPE to students with disabilities, there is no requirement in the state or federal regulations that mandates a district to have a policy in place that requires the district to prioritize its FAPE obligation in the planning of bus routes. While this issue is specific to the provision of services, as opposed to a policy issue, the district is encouraged to review its policies, practices, and procedures to ensure that it has a plan in place should the district experience any future district-wide barriers that impact its ability to provide a FAPE to students with disabilities.

While this agency understands that districts nationwide are struggling with a shortage of bus drivers, a shortage of resources is not a valid reason for a district's failure to provide special education and related services. If an IEP team determines that a student with a disability requires transportation as a related service in order to receive FAPE, the student must receive the necessary transportation.

**Corrective Action**

The district must:

1. The ODLSS must develop a plan to ensure that transportation is provided to all students with IEPs enrolled in the district who require transportation as a related service. The plan should, at a minimum, specify the procedures established to ensure the provision of transportation as a related service in accordance with each student's IEP, the steps that will be initiated to ensure implementation, and the measures the district will take to verify implementation.
2. Ensure the provision of FAPE to students with IEPs who require transportation as a related service who have not been routed as of the date of this response.
3. Convene an IEP team meeting to determine the amount of compensatory services that will be provided to each student with an IEP eligible for transportation as a related service that has missed school during the 2021-22 school year as the result of the bus driver shortage.

The following materials will serve as verification of compliance with all parts of the corrective action order:

1. A copy of the plan identified above.
2. Documentation to verify the provision of transportation to all students with IEPs enrolled in the district who require transportation as a related service (e.g., a spreadsheet that identifies each student with an IEP eligible for transportation as a related service and the status of each student's transportation).
3. Documentation to verify the provision of FAPE for all impacted students with IEPs that have not been routed as of the date of this response.

The above-listed materials should be sent to my attention, Special Education Department, no later than **December 10, 2021**. In accordance with the requirements of the 105 Illinois Compiled Statutes, 5/14-8.02e, the district will be required to provide a copy of the corrective action compliance documentation to the complainant simultaneously with the submission of those materials to the investigator. In the event of a complaint filed by an individual other than the parent/guardian, the district must secure an appropriate written and signed release prior to the issuance of any child-specific documentation.

The following materials will serve as verification of compliance with all parts of the corrective action order:

1. The district will be required to submit a monthly report to ISBE regarding the status of each eligible student's transportation until such time that the district provides verification that each eligible student is receiving transportation from the district.
2. The district will also be required to submit a monthly list of students with IEPs eligible for transportation as a related service that have missed school during the 2021-22 school year as a result of the bus driver shortage. This list should identify the student's name, the status of their special transportation, and the status of their compensatory education services. Following the submission of this list, ISBE will select a sample of students to review their records (i.e., IEPs which



document the need for compensatory education services, documentation of the provision of compensatory education services, etc.) to ensure compliance with the corrective action. Upon receipt of this list, ISBE will notify the district of the students for whom records should be provided.

The above-listed materials should be sent to my attention, Special Education Department, no later than **the 10<sup>th</sup> of each month until such time that this requirement of the corrective action is met.**

Cooperation from both parties during this investigation is appreciated. If you have any questions regarding this response, I can be reached at 217-782-5589 or [khandy@isbe.net](mailto:khandy@isbe.net).

Sincerely,

A handwritten signature in black ink that reads "Karen A. Handy". The signature is written in a cursive style with a large, stylized initial "K".

Karen Handy  
Principal Education Consultant  
Special Education Department

cc: Ms. Miriam Bhimani, Complainant  
Ms. Terri Smith, Complainant  
Ms. Marlene Fuentes, Senior Assistant General Counsel, City of Chicago School District 299  
Dr. Maurice Swinney, Interim Chief Education Officer, City of Chicago School District 299  
Ms. Ruchi Verma, First Deputy General Counsel, City of Chicago School District 299  
Ms. Tatiana Oriakhi, Assistant General Counsel, City of Chicago School District 299



**Board of Education of the City of Chicago  
Law Department**

Joseph T. Moriarty  
General Counsel

1 North Dearborn Street, Suite 900  
Chicago, IL 60602  
Telephone: (773) 553-1700  
Fax: (773) 553-1701

December 10, 2021

**VIA ELECTRONIC MAIL**

Karen Handy  
Principal Education Consultant  
Special Education Services Division  
Illinois State Board of Education  
100 N. First St.  
Springfield, IL 62777

RE: Systemic Complaint  
Transportation Services  
Case Number 2022-CO-0022

Dear Ms. Handy:

This letter is a response to your letter dated November 12, 2021, regarding the above-referenced complaint. The COVID-19 pandemic continues to impact the District's ability to secure transportation vendors and to meet the transportation needs of all of its students, including students with IEPs.

Months prior to the start of the 2021-2022 school year, the District had been monitoring the national bus driver shortage, caused in large part by the COVID-19 pandemic, which closed school buildings (leading to driver furloughs), shuttered facilities where drivers obtain or renew their specialized licenses, and required more drivers than is typical due to social distancing needs on busses for safety. Both ISBE and United States Department of Education (USDOE) have acknowledged that the nation is facing a national shortage of bus drivers. School Districts all over the county have been struggling to route students. The District is no exception.

Prior to the start of the school year and with a shortage of 400 drivers, the District successfully routed all students by maximizing routing efficiencies and implementing a mitigation strategy in which students arrived at school 30 minutes early or departed from school 30 minutes after the end

of the school day. The District used this particular strategy for 5,500 students. The District provided resources to the schools impacted by the mitigation effort to ensure the additional time students spent at school was as productive and safe as possible.

Unfortunately, on the Friday prior to the beginning of the school year 100 bus drivers quit, due in part to the District and statewide vaccine requirement (Executive Order 21-22). Despite numerous setbacks the District continues to add capacity to its transportation resources and to route students with IEPs who require transportation as a related service as soon as transportation resources become available. The District is committed to securing routes for every student with an IEP that requires transportation as a related service.

In response to your request to for information concerning the District plan to provide transportation to students with IEPs, we submit the following:

### **Corrective Action**

The District must do the following:

- 1. ODLSS must develop a plan to ensure that transportation is provided to all students with IEPs enrolled in the district who require transportation as a related service. The plan should, at a minimum, specify the procedures established to ensure the provision of transportation as a related service in accordance with each student's IEP, the steps that will be initiated to ensure implementation, and the measures the district will take to verify implementation. A copy of this transportation plan.*

Since the mass resignation of over 100 bus drivers on Friday August 27, 2021, one business day prior to the beginning of the school year, the District has been working diligently to secure transportation for students. The District's ongoing plan includes (1) securing new vendors, (2) providing vendor incentives to recruit new drivers, (3) using mitigation strategies for existing routes, (4) continuously reviewing ridership data to ensure that routes are not inflated with students that are currently waiving transportation (5) providing incentives for families that choose to transport their student, and (6) prioritizing diverse learners for transportation,. The District's ongoing efforts have reduced the number of students without transportation that have IEPs and transportation as a related service from approximately 2,415 at the beginning of October 2021 to approximately 1,554 as of December 9, 2021. All 1,554 students have attended some days of school. There are no Diverse Learners with zero percent attendance both routed and unrouted.

**Securing new Transportation vendors-** The District is making every effort to route every diverse learner that requires transportation as a related service. Since the beginning of the school year the District has added new vendors including North Star Taxi cab and Ride-A-Long Transportation. As recently as November 2021, the District has added Allen Green, Yellow Bus, and Flash Cab as

transportation vendors. Flash Cab is set to begin transporting students on Monday, December 13, 2021. In addition, the District is currently in the process of finalizing agreements with Kalaju Transportation and Kaizen Health LLC to transport students.

Although we have made strides, there have been several setbacks due to persistent bus driver shortages. For example Ride-A-Long had agreed to provide 250 drivers by January 3, 2022 but it has only been able to hire 20 drivers to date which has pushed back the timeline for implementation. Additionally a number of families that were given the option of a form of transportation other than a bus (e.g., a taxi cab), have rejected that option. Consequently, the taxi cab vendors that have been added are serving a smaller number of students than the District had anticipated.

The District will continue to work with our existing private transportation partners and those that we are recruiting for services and look for alternatives, so that every student with an IEP is routed and has a free and appropriate public education. These efforts have and will continue to include:

Providing Vendor Incentives for Driver Recruitment and Retention- The District is paying incentives to vendor bus drivers to increase driver recruitment and retention. It has agreed to pay \$1,000 bonuses for new drivers and quarterly bonuses of \$1,000 for existing drivers. The District is hosting job fairs to recruit new bus aides, and has invited vendors to join the job fairs to assist in recruitment. The District is also partnering with Chicago City Colleges to host bus driver job fairs. The District is assisting in marketing and communicating the sign-on bonuses at these job fairs.

Utilizing mitigation strategies for existing routes- Since the beginning of the 2021-2022 school year to the present, the District has been using the mitigation strategy of students arriving at school 30 minutes early or departing from school 30 minutes after the end of the school day, and providing additional financial supports to schools who serve those students as part of the district pandemic relief funding to schools. School personnel are arriving earlier to school and leaving later to accommodate students as a part of this mitigation strategy.

Purging Ridership Roles- The Transportation Department is continuously reviewing ridership data to ensure that routes are not artificially inflated with students who currently waived transportation or are no longer in the District.

Collaborating with other Districts-The Transportation Department is collaborating with other large school districts to discuss bus driver recruitment initiatives and to brainstorm ways to maximize routing efficiency.

Providing transportation Incentives- The District continues to reach out to families through phone and email to offer the transportation incentive of \$500 a month to families that agree to find alternative transport for their students. As of December 7, 2021, 720 families of diverse learners have agreed to the transportation incentive for the remainder of the school year.

Prioritizing Diverse Learners- The Transportation Department has already been prioritizing students with IEPs with low attendance for routings. As of the first week of December, 192 students with IEP's and transportation as a related service had 1 to 50 percent attendance and were not routed. As of December 9, 2021 transportation has routed approximately 140 students of the 192, leaving approximately 52 students of this population unrouted. By prioritizing Diverse learners with low attendance, the District hopes to significantly increase the number of students with IEP's routed.

Route Implementation and Verification Measures. Route implementation and verification processes include tracking by attendance and route sheets. Route sheets include the name of the driver, the students names on the route, including their address and the date and time the student should be picked up or dropped off. If a bus does not arrive, school staff are expected to contact the transportation office or the transportation company directly to inquire about the route. If a route is canceled, Transportation will try to optimize existing routes to place the student on an alternative route. If transportation can not place the student on an existing route the Transportation department will offer the student's family the transportation incentive until the student can be placed on another route. The parent may choose to receive the transportation incentive for the rest of the school year at their discretion. In addition to schools monitoring route implementation, transportation continues to monitor private routes using GPS tracking in our vendor buses.

2. *Documentation to verify the provision of transportation to all students with IEPs enrolled in the district who require transportation as a related service (e.g., a spreadsheet that identifies each student with an IEP eligible for transportation as a related service and the status of each student's transportation).*

The transportation spreadsheet document provides transportation eligibility and routing status for Diverse Learners as of November 15, 2021. Please see Exhibit 1. The document can be filtered between students with IEP's and those with 504's. Transportation status has been summarized by the following high level categories with subcategories as applicable:

- **No transportation request submitted**- These students have transportation as a related service in their IEP or 504, but have not yet had a transportation request submitted by the school. The following are few of the possible reasons a transportation request has not been submitted for these students:
  - Virtual Academy- Some students included in this list are virtual academy students that no longer require transportation.

- Students who attend an alternative placement- Students that require a school assignment due to the need for a District program such as a cluster classroom, may elect to attend another school than they were offered. Those parents electing to send their student to another school, decide to self transport the student.
- Residential Placement- students that are in residential placement may have transportation as a related service in their IEP's yet they would not be routed because they are in residential.

The District will look into each student in this category to determine the reason why a transportation request has not been submitted. The District will provide a further break down of each reason in the next monthly submission

- **Outstanding**- These students have transportation as a related service and have not waived transportation but are not currently unrouted.
- **Resolved**- These students are no longer outstanding and fit into one of the following subcategories:
  - Financial Assistance - Families have requested to receive financial assistance for the remainder of the year in lieu of a route
  - Routed - Students have been provided with a transportation route
  - Student Inactive - Students were included in the initial report in September 2021, but were discovered to be inactive
  - No Longer Eligible for Transportation - Students were included in the initial report in September 2021, but are currently not eligible

3. *Documentation to verify the provision of FAPE for all impacted students with IEPs that have not been routed as of the date of this response.*

To view the students currently receiving the Districts alternative offer of FAPE, the spreadsheet should be filtered to view students categorized as “Outstanding” and are marked “yes” in the “Alternate FAPE Provided” column. The alternative offer of FAPE includes instructional packets for the student from their current grade level curriculum. Students marked “Outstanding” in the document will receive the Districts offer of “alternative FAPE” due to not currently having a route. These students will receive an email with instructional packets for their current grade level curriculum. Packets are sent via email. If there is no email on file for the student, their packet will be available for pick up at the students school. The overwhelming majority of these students are currently attending school despite being unrouted, and therefore are receiving a FAPE at their school. However the District has provided this alternative offer of FAPE to all unrouted students despite their attendance status because the District has not secured a route for these students.

It should be noted that the status of student transportation is as of November 15, 2021. Since that time, some students in the “Outstanding” category have been routed. Packets providing FAPE were

sent out on December 10, 2021. Therefore, some students that are categorized as “Outstanding” as of November 15, 2021 were routed prior to December 10, 2021 and therefore did not receive the instructional packet. In addition, after reviewing the transportation roles some students that were included as “Outstanding” as of November 15, 2021 were discovered to be inactive. These two population sets of students will have N/A in the “Alternate FAPE Provided” column. Please see Exhibit 1 & Exhibit 2.

**Monthly Submission:**

- 1. The District will be required to submit a monthly report to ISBE regarding the status of each eligible student’s transportation until such time that the District provides verification that each eligible student is receiving transportation from the District.*

Please see Exhibit 1.

- 2. The District will also be required to submit a monthly list of students with IEPs eligible for transportation as a related service that have missed any school during the 2021-22 school year as a result of the bus driver shortage. This list should identify the student’s name, the status of their special transportation, and the status of their compensatory education services. Following the submission of this list, ISBE will select a sample of students to review their records to ensure compliance with the corrective action. Upon receipt of this list, ISBE will notify the District of the students for whom records should be provided.*

Students that require a compensatory education meeting will have a check “yes” in the corresponding column. ODLSS has issued a directive to its District Representatives and Case Managers to begin scheduling compensatory education meetings beginning January 3, 2022, for students that have missed school due to transportation. Please see Exhibit 1.

If you have any questions regarding this correspondence, please feel free to contact me at [tmoriaikhi@cps.edu](mailto:tmoriaikhi@cps.edu) or 773-553-1741.

Sincerely,

/s/ Tatiana M. Oriakhi

Tatiana M. Oriakhi

Assistant General Counsel

Board of Education of the City of Chicago

Law Department

Terri Smith  
(773) 544-9642  
terriroback@yahoo.com

Miriam Bhimani  
(312) 507-9814  
miriam.bhimani@gmail.com

December 10, 2021

**VIA ELECTRONIC MAIL**

Karen Handy  
Principal Education Consultant  
Special Education Services Division  
Illinois State Board of Education  
100 N. First St.  
Springfield, IL 62777

Good Afternoon Ms. Handy,

What follows are our comments and concerns in regards to the Chicago Public School District's first monthly submission (12/10/2021) to the Corrective Actions pursuant to our Systemic State Complaint (2022-CO-0022).

**Corrective Action #3**

We are particularly interested to know the ISBE's stance on the CPS' "alternative/alternate" FAPE concept.

We find it to be utterly preposterous that CPS sees fit to propose that the provision of one-size-fits-all grade-level instructional packets can satisfy its FAPE obligation. Frankly, we are amazed that a legal representative of the third largest school district in the US would profligate such a wacky scheme.

Absurdity notwithstanding, instructional materials cannot satisfy the FAPE obligation to students whose IEPs indicate non-academic goals (Independent Functioning, Social Emotional, etc) and/or Related Services (Speech, Social Work, Occupational Therapy, etc.)

To our mind, that individualization is central to the legal definition of FAPE (7 CFR § 15b.2220 and U.S. Code § 1401) precludes the notion of "alternative" or "alternate" FAPE. As FAPE is a singular thing unto itself; there can be no such thing as an "alternative" to it.



### **Corrective Action #1**

It is our impression that failing to *specify the procedures established to ensure the provision of transportation as a related service, the steps that will be initiated to ensure implementation, or the measures the district will take to verify implementation*, the District's submission is not meaningfully responsive.

Additionally, CPS fails to indicate the measures it will take to verify implementation in the event that parents are unable to avail themselves of the transportation incentive.

### **Corrective Action #2**

We will be interested to see the District's breakdown of the ***No Transportation Request Submitted*** sub-categories in the January submission.

### **Monthly Submission**

We expect and hope that more specific information about the District's Compensatory Education methodology will be forthcoming in its January submission.

Wishing you and your family a joyful holiday,

Terri Smith and Miriam Bhimani

December 15, 2021

Dear CPS Board Members,

I wish to address three lingering issues that I have raised in the past regarding safety and equity.

### **Student Safety from Abuse**

I submitted written comments to the Board for their July 28, 2021 meeting explaining that unhealthy and nonconsensual relationships were "a huge red flag that needs to be addressed in our health education by incorporating concepts like affirmative consent, communication skills, and signs of positive and negative relationships in an age-appropriate manner. Not providing adequate research-based and harm-reduction approaches makes our children susceptible to health-compromising behavior and exploitation." The recent Inspector General report into Marine Leadership Academy highlights the need to reform the health and sexual education curriculum and policies at CPS.

<https://chicago.suntimes.com/education/2021/11/22/22796551/cps-sex-abuse-marine-leadership-academy-inspector-general-erin-galfer-pedro-martinez>

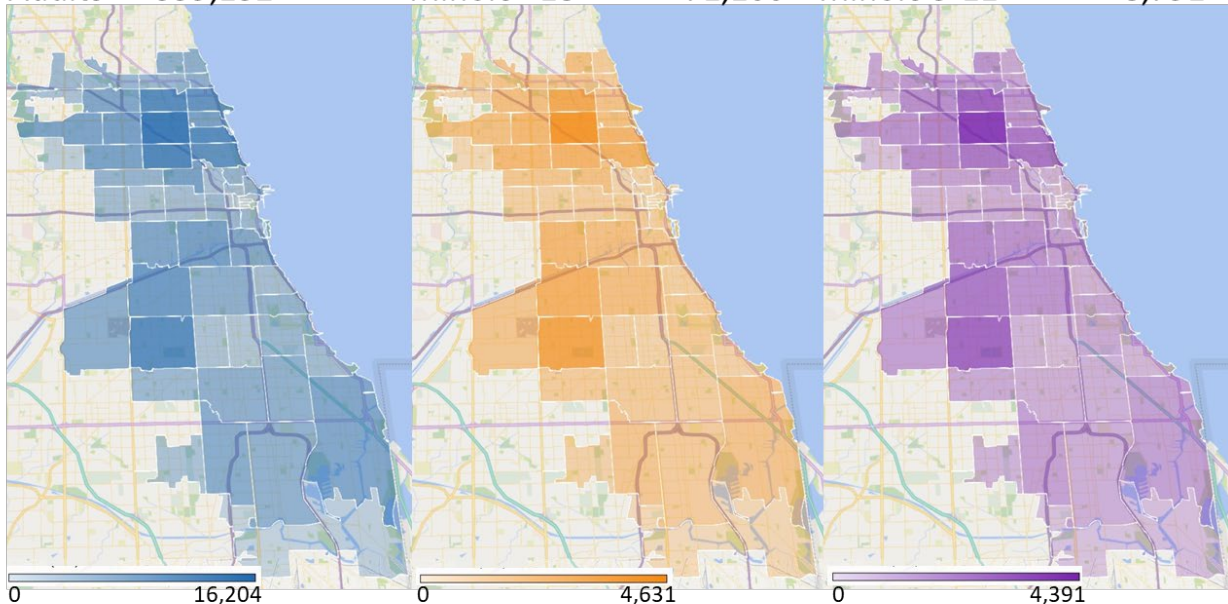
Justice for these children will not be reached if we just limit the investigation to those that perpetrated the inappropriate conduct. The structures in place that are responsible for providing resources for survivors and systems of accountability must be reformed. At the CPS Parent Board of Governor's meeting last month, I raised the importance of making school officials aware of their mandatory reporting requirements when there are concerns about potential child abuse. It is clear that school officials do not have adequate training and resources to deal with warning signs of abuse. These problems are not limited to just the Marine Leadership Academy and therefore reforms should not be limited to just one school. However, the unique role that the Marine Leadership Academy has should not go unnoticed. Less than two percent of adults in America offer any military service and these children have chosen to enroll in a school that instills the discipline and privilege of service. And yet, we have failed in our responsibilities to them. I again emphasize the need to reform our health and sexual education curriculum as well as provide greater resources and accountability to prevent and deal with abuse of our children.

### **Student Safety During the Pandemic**

I have made multiple recommendations over the past year and a half to adopt best practices and mitigate risk from the COVID pandemic, even before CPS was forced to shut down in-person learning in March 2020. The State, City, and CPS have made significant efforts to address the impact of the pandemic as well as the structural inequity that exacerbates the impact felt by underserved communities. However, access to vaccinations and vaccine hesitancy still are reflected in public health data. My analysis of vaccinations since the approval of the COVID vaccine for children 5 to 11 still reveals inequity in vaccinations with adults and children. Although significant progress has been made to get vulnerable residents on the West Side vaccinated since my report for the January 27, 2021 Board meeting, current vaccination rates are insufficient to offer protection against the emerging wave of infections and the newly emerged omicron variant, which is more infectious and better at evading immune response from previously vaccinated or infected individuals.

## Vaccinations since 11/02/21 to 12/02/21

Adults 359,132      Minors <18 71,166      Minors 5-11 8,791



Despite the lower effectiveness of approved vaccines, the protection they do offer is critical, and better efforts to vaccinate our children and our citizens need to be coordinated. CPS has initiated vaccination efforts, but greater education is necessary given the hesitancy and misinformation many communities experience.

CPS needs to ensure that best practices and appropriate policies are followed. Currently, Principal Marisol Negron at Decatur Elementary is refusing to adhere to State, City, and District guidelines by penalizing students that are in quarantine with unexcused absences and a refusal to provide any instruction. Rather than offering excused absences, she has “consulted with the Law Department to confirm” that she can issue unexcused absences. I do not understand why a principal would punish a child for adhering to CDC, State Department of Public Health, and CPS guidelines. Nor do I understand why the CPS Law Department is advising principals to disregard the District’s own policies. In fact, the CPS Office for Student Health and Wellness wrote, “Unvaccinated students who return from travel to an orange state or international destination will be marked as absent excused (upon communication from their parent/guardian) and receive asynchronous remote instruction.” The pandemic is not over, and given the emergence of more contagious variants; CPS should require schools to adhere to common sense and appropriate guidelines. Instead, some individuals are coordinating with the law department to retaliate against students that are following best practices and safety measures. This must stop. Warning parents who are adhering to appropriate safety policies should not be met with threats of legal action.

### **Student Safety and Transportation**

The District is still failing to provide safe transportation options to many children with disabilities.

Be well,

Dr. Angel Alvarez