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Kathryn Kokoczka

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THE CPS EVALUATION BACKLOG: A ROADBLOCK TO EDUCATIONAL SUCCESS

by KATHRYN KOKOCZKA

“**H**e talks like a baby,” says Shavon Kalfus, mother of six-year-old Chicago Public School (CPS) student Rasheed Jackson.¹ What does it feel like to be a six-year-old child in a kindergarten classroom who speaks to his peers “like a baby?” This is the plight of Rasheed and hundreds of young children in the CPS system with various developmental issues.²

Despite his mother’s efforts, Rasheed had to wait approximately three years before CPS began a proper evaluation of him.³ As recently as December 2010, CPS had not completed Rasheed’s evaluation, and he is not alone.⁴ Over a thousand CPS students are in dire need of special education services but are caught in an unsettling district-wide backlog.⁵

Last year, CPS personnel referred approximately 1,500 students for special education evaluations.⁶ Most of these students were developmentally delayed or at-risk children coming from federally funded Early Intervention programs or were referred by the service organization Head Start.⁷ However, these students have not yet received evaluations.⁸ The backlog in evaluations leaves young students without necessary special education services at critical stages in their development.⁹

In Rasheed's case, CPS staff told Ms. Kalfus that he would "grow out of it" when she voiced concerns about her son's speech development.¹⁰ Kathleen Hirsman, professor at Loyola University Chicago School of Law, points out that although parents may be told that their children will grow out of developmental delays, they "should not be hesitant to request a 'screening' or more formal assessment."¹¹ As disheartening as such dismissals by school personnel may be, "regardless of the teacher's motivation, [she or he] has obligations under federal law to have that student evaluated, rather than just dismiss parent's concerns," notes Hillary Coustan, Associate Director of the ChildLaw and Education Institute at Loyola University Chicago School of Law.¹²

In fact, Illinois law requires a proper evaluation and Individual Education Plan (IEP) conference within 60 days of obtaining parental consent.¹³ The child's school district is responsible for conducting an evaluation and designing an appropriate IEP.¹⁴ Richard Smith, chief of the CPS Office of Special Education and Supports says that such requirements can "put a tremendous burden on local school districts."¹⁵

However, there are strategies that can help expedite the evaluation process, especially in cases where school personnel inform parents that their children will "grow out of" a particular developmental delay.¹⁶ For instance, proper assistance from a variety of advocates, including nonprofit organizations like Equip for Equality, which recently reported lapses in evaluations to the state, can play an integral role in facilitating and expediting student evaluations.¹⁷

Additionally, Professor Hirsman, who worked in the area of school law for 25 years, says she has "attended many IEP meetings where the parent has brought 'representation,' which can include a family member . . . a neighbor . . . a special education parent attorney, . . . [or] an advocate from a not-for-profit organization like Equip for Equality, Prairie State Legal Services, [or] a law school legal clinic."¹⁸ In Professor Hirsman's opinion, "Attitude, professional-

ism and knowledge about education of students with disabilities are key qualities for a parent advocate to be effective at the IEP table.”¹⁹

For example, in June 2010, the watchdog group Equip for Equality identified 13 children who had been flagged by teachers for special education evaluations but were still waiting for CPS to act after the 60-day time limit.²⁰ Furthermore, Equip for Equality projected that hundreds more students were affected by this backlog.²¹ The nonprofit organization’s efforts called attention to these transgressions, and in August 2010, the Illinois State Board of Education found that CPS had to continue the evaluations for those students listed in the complaint.²²

As a response to current roadblocks in the evaluation process, CPS has begun to conduct evaluations around the city with an additional temporary staff.²³ CPS is also tracking Head Start evaluations from local schools to better gauge its ability to address student needs within the required 60 days.²⁴

Other effective strategies in diminishing the existing CPS backlog may include hiring more teachers with special education backgrounds.²⁵ Professor Coustan suggests that “there needs to be a great deal more training of teachers and other school personnel on special education—both schools’ substantive obligations, as well as procedural requirements.”²⁶ She points out, “[T]his, of course, requires more time and/or money, both of which are in short supply in many school districts.”²⁷

Rasheed Jackson has struggled for years despite his mother’s efforts and her willingness to spend hundreds of her own dollars “getting an evaluation and speech therapy for [him].”²⁸ In the interim, as CPS officials work on paring down this backlog, what can public school parents do to combat these issues?

First and foremost, says Amy Zimmerman, Director of the Chicago Medical-Legal Partnership for Children at Health and Disability Advocates, families should seek help from advocates and legal services.²⁹ “[CPS] will be seeing [these students] again,” says Ms. Zimmerman.³⁰ “These are the students who will likely need access to services when they become school-age.”³¹

However, early intervention during critical points of children’s developmental stages coupled with persistence and proper advocacy are the best weapons a parent has to combat current CPS shortcomings.

NOTES

1 Rebecca Harris, *Backlog in Special Education Leaves Some Children Without Services*, CATALYST CHI., Jan. 18, 2011, available at <http://www.catalyst-chicago.org/news/index.php?item=2668&cat=5>.

2 *Id.*

3 *Id.*

4 *Id.*

5 *Id.*

6 *Id.*

7 *Id.*

8 *Id.*

9 *Id.*

10 *Id.*

11 Interview with Kathleen Hirsman, Adjunct Professor, Loyola University Chicago School of Law, in Chi., Ill. (Mar. 16, 2011).

12 Interview with Hillary Coustan, Associate Director, ChildLaw and Education Institute, Loyola University Chicago School of Law, in Chi., Ill. (Mar. 21, 2011).

13 School Code, 105 ILL. COMP. STAT. 5/14-8.02b.

14 Harris, *supra* note 1.

15 *Id.*

16 *Id.*

17 *Id.*

18 Hirsman, *supra* note 11.

19 *Id.*

20 Harris, *supra* note 1.

21 *Id.*

22 *Id.*

23 *Id.*

24 *Id.*

25 *Id.*

26 Coustan, *supra* note 12.

27 *Id.*

28 Harris, *supra* note 1.

29 *Id.*

30 *Id.*

31 *Id.*