PURE protests standardized tests

Margin of error in Iowa Tests raises red flags

Schools' abusive testing policy challenges IOWA test

Voice of the people

Chicago Parents' Fair Testing Campaign

Test scores trip up a few good pupils

Protestan contra el examen de Iowa

Ban on promotions feels unfair to some

Most outstanding minority students see their scores go down sharply under this high-pressure environment. It's not a measure of intelligence.
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Chicago Parents' Fair Testing Campaign

How Parents Used Multiple Strategies to Force Changes in the Chicago Public Schools Student Testing Policy

Parents United for Responsible Education (PURE)
2002
Chicago Parents' Fair Testing Campaign
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Introduction

Parents United for Responsible Education is a parent-created, parent-run, non-profit group organized to provide advocacy and training for public school parents and others working to improve the quality of education in the Chicago Public Schools.

Since 1998, our organization has been involved in a campaign to challenge the Chicago Public Schools’ misuse of Iowa test scores to make high-stakes decisions about children. This improper test use has had many adverse effects: higher dropout rate of children at earlier ages, misdirection of resources away from quality instruction and into test preparation, and misidentification of student needs. We have witnessed first hand the emotional devastation inflicted on students, parents, teachers, and school administrators by test abuse.

We are concerned that standardized testing fever is increasing and that our children and the quality of their education will continue to suffer.

In our Fair Testing Campaign, we compiled a great deal of information and research on the effects of a high-stakes student testing policy. We have had significant success using a variety of strategies to fight this abusive policy. They include organizing, policy, media, and legal approaches. We continue to build on our initial successful Office for Civil Rights complaint as a further strategy to keep the pressure on the Chicago Public Schools. We have gathered an effective set of resources, which we believe can be extremely useful to others fighting the same fight across the country. Our overall goal is to assure that schools and districts create high-quality assessment systems, especially in the wake of the No Child Left Behind legislation.

As a result of our work, we have concluded that standardized tests must be used responsibly, and as only one piece of a multiple assessment system. Using Iowa tests as a pass-fail test for Chicago students has been devastating to them personally, and has not led to an improvement in the quality of their education. The public has been grievously misinformed about the nature and value of standardized tests, and misled to undervalue teacher-developed classroom assessments. This situation must be changed. We believe that the only way to raise the quality of instruction, and fairly and accurately assess student progress in every important area of their education, is to establish a high-quality, balanced system combining local and standardized assessments.
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PURE’s mission, programs, and populations served

Parents United for Responsible Education exists to build support for and enhance the quality of public education in the city of Chicago by informing parents about educational issues, bringing the views of parents into the decision-making process, and acting as an advocate for parents in their relationships with the school administration. PURE is a citywide organization, run by and for Chicago Public School (CPS) parents.

PURE’s Board of Directors, membership, staff, and constituency are multiracial, multi-cultural, and economically diverse. Each year, PURE provides direct assistance or referrals to hundreds of parents and local school council (LSC) members calling our hotline for help and information.

PURE provides workshops for LSCs in all areas of their responsibility. PURE also offers a variety of workshops to meet parents’ expressed needs. PURE publishes four newsletters to keep parents, LSC members, and other school leaders informed of current educational changes and issues. PURE works actively to focus attention on the parents’ perspective in any discussion of critical school problems through such means as press conferences, public testimony, and editorials. In support of this mission, PURE has engaged in a "Fair Testing Campaign," an intensive and effective effort to organize CPS parents around the issue of high-stakes testing in Chicago.

This book is a description of the history and strategies of PURE’s Fair Testing campaign. It is dedicated to the thousands of students who have been hurt by the misguided Chicago Public Schools testing and retention policies, and to their parents who fought for them and won.
The Problem: CPS Promotion policy 1996

“Eighth graders in Chicago public schools did much better than expected on Iowa test scores this year, and officials say that may be because they were threatened with summer school and no diploma,” wrote Rosalind Rossi, education reporter for the Chicago Sun-Times on June 3, 1996. This was the beginning of the Chicago Public Schools “success story,” a story that has included the retention in grade of more than 75,000 children over seven years, a rise in drop outs of younger students, and an unexamined emotional toll on children, families, and school staff.

A 1995 state law had allowed Chicago’s mayor to appoint a five-member school board and a chief executive officer. Waivers already in place for Chicago allowed the CEO to be a non-educator. Mayor Richard M. Daley appointed Paul Vallas, former head of the City Hall budget department.

During his first year in office, Vallas enacted a policy which set an arbitrary test score cut-off point as a barrier to promotion for eighth grade students. The cut-off was a grade equivalent (GE) score of 6.8 on both the combined reading and combined math sections of the Iowa Tests of Basic Skills (ITBS).

Students scoring below that cut-off point on either test were not allowed to attend elementary school graduation. They were sent to summer school, called “summer bridge.” Before the end of the summer of 1996, CPS officials added a further requirement. Students would have to re-take the ITBS in August and reach the cut-off score in order to be promoted. Those who did not, and were not yet 15, would be retained in eighth grade. “Failing” students over 15 were considered too old to mix with elementary school students; they were allowed to go to high school where they were enrolled in remedial classes.

By February, 1996, three months before the ITBS was administered, students who had scored below a 5.8 GE in either reading or math in seventh grade were warned that they might be in danger of failure. This gave them several months to worry, and, perhaps, to do something to improve their scores. An eighth grade boy who had been notified of his dangerously low seventh grade score was quoted in the June 3rd Sun-Times article, “I didn’t go out much.... I almost cried. I felt so sorry for myself....but I put pressure
"The hammer helped."
Paul Vallas
Chicago Sun-Times, 6/3/96

on myself and chose to stay inside and do my homework... I was worried about the test." The Sun-Times article quoted Vallas, "The hammer helped. Students need to know early on that there are consequences for poor performance."

The system did admit that in many cases they "missed" on the early warnings. Thousands of students who had scored in an acceptable range on the ITBS in seventh grade ended up on the failure list in eighth grade.

Initial response to policy low-key

PURE included the details of the promotion policy in the fall of 1996 in the very first issue of PURE Tips and Updates for LSCs, a newsletter designed to inform Chicago public schools Local School Councils (LSCs) about education policies and best practices. LSCs are elected at nearly all CPS schools, and include six parents, two non-parent community residents, two teachers, the principal, and, in high schools, one student. LSCs hire the principal and approve the school's annual plan and budget. The Tips and Updates article matter-of-factly outlined the key elements of the promotion policy and the parents' right to information and notice.

Our fall, 1996, membership newsletter, PENCIL, raised an alarm about the use of TAP scores, the high school equivalent of ITBS, to place high schools on probation. We demonstrated the nearly complete overlap in maps of high-poverty communities and the location of the probation schools. We challenged the system to provide help before labeling schools and students as failures.

There was little public concern expressed about the system's use of test scores and retention. One exception was a letter to the editor from a CPS parent. She related that she had posted scores at a 12 GE in reading but a 4 GE in math when she graduated from eighth grade. "There is no way for any one standardized test to legitimately indicate whether or not a student is ready for the next grade level...this policy is encouraging me to consider another way to educate (my daughter). I want to encourage her to work hard in school, and Vallas only wants her to do well on a single test" (Sandra Jennings, Chicago Sun-Times letter, 9/24/96).

Also mostly ignored was a March, 1996, study by the Consortium on Chicago School Research titled "Academic Productivity of Chicago Public Elementary Schools," which concluded that the Iowa test is not an adequate measure of year-to-year student or school progress. The researchers stated, "The ITBS
system was simply not designed for the purpose to which it is now directed." They recommended that CPS develop a better testing and reporting system. In response, Vallas asserted that the system "has taken steps to shift away from a heavy reliance on the Iowa test" (Chicago Sun-Times, 3/12/98) but there was no evidence of such a shift over the next three to four years.

The report also criticized the use of GE scores. "Unfortunately, many educators and most of the public are unaware of these inherent limitations in the grade equivalent metric." In fact, GE scores were persistently used by CPS officials to refer to the grade level students had "earned". They liked to call it "making the grade." Students who scored too low on their Iowas were "not making the grade," a most misleading and unfair characterization.

Policy hits PURE's radar screen

By the spring of 1997, Vallas had expanded the "retention grades" to include 3rd and 6th grades and "raised the bar" on eighth graders to a 7.0 GE. PURE's first direct hit on the policy was in our Spring, 1997, PENCIL.

The article opened with a satirical response to a poster pasted to the walls of one local high school during testing week for the Illinois Goal Assessment Program (IGAP), the state standardized test. We wrote, "When a newspaper story came out in October last year with this headline, 'Sugared cereal shortly before testing may help pupils do well,' PURE filed it away...it occurred to us that this idea may turn up this spring as a key CPS educational initiative. Sure enough, in time for IGAPs, we heard that, under the pretense of providing a nutritious breakfast for our kids, the Central Office was feeding them Cap'n Crunch, Frosted Flakes, and Lucky Charms during test week."

The PENCIL article went on to skewer a Central Office-funded program which targeted students nearest the national norm in their prior ITBS scores for special tutoring services. Boosting the scores of those students is a sure-fire way to increase the scores used for school accountability purposes, that is, the percentage of students by school who are at/above national norms. We called it "the educational equivalent of triage."
**Parent Action Begins (1997)**

After the spring, 1997, round of ITBS testing, the problems with the promotion policy began to get personal. Parents were calling PURE, angry about the Iowa test, summer school, and retention. The first parents we heard from were Michael Hollis and Debra Feinberg-Hollis, parents upset at being told their third grade son had to go to summer school. The child was a good student who had a bad test day that spring. The ceiling over his desk leaked and water drops and paint chips had been falling onto his test papers. The family had been looking forward to an active summer of Little League baseball, which Michael coached. Michael and Debra had taken the initiative to call the Itasca, Illinois-based Riverside Publishing, the makers of the Iowa test. They learned that Riverside does not recommend using Iowa test scores alone to make high-stakes decisions about students.

The Hollises were unable to get anywhere with their complaints at the school or the region office level, so, with PURE’s support, they testified at the June, 1997, Board of Education meeting. In what was to become a pattern with CPS when parents publicly criticized the policy, CPS officials pulled the couple aside and made them an offer which included a retest and placement in a magnet school.

However, this was not the standard treatment for CPS students; by the fall of 1997, CPS had retained more than 10,000 third, sixth, and eighth graders. PURE’s summer, 1997, _PENCIL_, referred to a compilation of articles published in 1988 by the _Chicago Tribune_ called “Chicago Schools: Worst in America.” The book harshly criticized the “overemphasis on reading and math scores on the Iowa Test of Basic Skills.” The situation they described in 1988 was disturbingly familiar in 1997: “It creates a situation where children talk about their ‘Iowas’ but can’t name the last book they read. Children who have the weakest skills in abstract thought, those who need to learn in concrete or subtle ways, instead are marched through endless exercises to train them how to answer multiple choice tests.”

**Graduation ban and transition centers set up eighth grade distress**

A breaking point for children and their parents was reached after several new elements of the promotion policy were approved by the Board of Education in August, 1997. The cut-off score for
eighth grade promotion was raised to 7.2 GE. CPS also banned eighth graders who fell short of the required cut-off score from participating in graduation ceremonies “and related activities.”

Finally, and most harsh, was the creation of transition centers. Soon renamed Academic Preparatory Centers (APCs), these were separate schools for students 15 years of age or older who had failed to reach the ITBS cut off score in eighth grade. These students were considered too old to repeat a grade in elementary school. Before there were APCs, these students had gone on to remedial high school programs. This would no longer be allowed.

APC students were given a structured program modeled on the summer bridge program. They would have two hours of reading ITBS drill, two hours of math ITBS drill, and an hour of World History, with lunch and some computer and physical activities thrown in. At the end of the year, the students would retake the Iowa test. If they did not make the cut-off score, they would have to go to summer school. If they did not make the score after summer

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**Educating through newsletters**

PURE publishes three quarterly newsletters: PENCIL (our membership newsletter: circulation 500); PURE Tips and Updates for LSCs (our LSC newsletter: current circulation is 7,000 from a home address list of all April, 2000, LSC election candidates); and PURE Preschool Update (circulation 600 preschool teachers). All of these newsletters are published quarterly and are posted on our web site, www.pureparents.org. We distribute another several hundred copies of these newsletters at workshops, conferences, and other events where parents gather. Informe de PURE, the Spanish-language digest of PENCIL and Tips and Updates, is published regularly and distributed in our workshops and other events. PENCIL, Tips and Updates, and Informe de PURE have carried articles related to testing reform in every issue for the past four years. The Summer, 2000, issue of Tips and Updates contained a special insert devoted to testing issues. Preschool Update has offered occasional pieces related to appropriate assessment of young children.

The wide distribution of these PURE publications has had a significant impact on the testing debate.
school, they would have to go back to the APC for another year. By May, 1998, there were already 500 students facing a second year at an APC.

Students felt the full weight of the stigma attached to attending an APC. The Chicago Tribune quoted one boy, “It’s messed up. It’s for stupid kids. It’s for kids who didn’t do good. You’re idiots” (1/27/98). Another said, “I'd rather be in a regular high school. I’d feel better. I’d be normal. I’d feel like myself again.” These students also expressed that they were doing all right in the APC, and had to some extent come to terms with it. Those who hadn’t adjusted most likely had already dropped out.

**Adding a focus on retention**

PURE began to target the practice of student retention in addition to our concerns about the misuse of the Iowa test. An article in our Fall, 1997, Tips and Updates newsletter, was headlined, “Grade retention doesn’t work.” We listed three reasons why the policy was flawed: “1) the rationale for retention, the arbitrary Iowa test cut-off, is restrictive and holds students alone responsible for their academic performance even though it is so strongly influenced by the quality of teaching and their learning environment, which they cannot control; 2) research on Chicago children shows that retained children do not do better after repeating a grade; and 3) retention adds to the dropout problem.” We offered the following alternatives to retention: expanding quality preschools, one-on-one tutoring, summer school with real curricular content, not just test drill, increased parental involvement, and non-graded instructional programs.

**Making connections**

We began to hear about FairTest, a national testing reform organization. Through FairTest, we began to learn more about student testing in general and about the Iowa test in particular. We became aware of the enormous scope of problems related to high-stakes testing and student retention.

In its Fall, 1997, publication, EXAMINER, FairTest described Chicago as exemplifying “the drive to raise standards (in which) policymakers and educators reduce schooling to test coaching, often lowering, not raising, standards and narrowing student learning.”
The article went on to explain that "(u)sing tests as a high-stakes decision-maker contradicts the measurement profession's Standards for Educational and Psychological Testing. ...that practice, and the practice of reducing curriculum and instruction to test preparation for norm-referenced, multiple-choice tests such as the ITBS, also run counter to the National Forum on Assessment's Principles and Indicators for Student Assessment Systems. The Principles, signed by over 80 education and civil rights organizations, opposes heavy reliance on such tests."

Creating opportunities for public discussion

The LSC ▲ Summit, a local coalition of which PURE is a leading member, identified high-stakes testing and retention of students as a priority for joint action. Together with such other groups as Leadership for Quality Education, the Chicago Education Alliance, and the Consortium on Chicago School Research, the Summit sponsored two conferences in May, 1998, to begin a citywide dialogue on the CPS student assessment system, its deficiencies and consequences, and to begin to create pressure for change. The group also put on a conference focused on retention in November, 1998.

The LSC ▲ Summit later spun off a group called the New ERA Plan Group, which sponsored several other events including a luncheon with Peter Sacks, author of Standardized Minds, and a dinner with Fair Test's Monty Neill as guest speaker. These events drew about 20 sponsors and 100 attendees.

1998 citywide conferences

Here's the report from the May, 1998, conferences as described in the Spring, 1998 PENCIL.

"Measuring Student Learning I" took place on Saturday, May 2; speakers included Dr. John Easton of the Consortium on Chicago School Research and Dr. Gail Burnaford, of National-Louis University.

Dr. Easton gave a brief presentation of two major findings of the report: 1) that learning gains have improved in both reading and
the report: 1) that learning gains have improved in both reading and math in CPS in the decade since the 1989 school reform law gave LSCs the responsibility for school reform, and 2) that the current testing system, the ITBS, does not accurately assess year-to-year changes in achievement, and needs to be replaced with a system that does.

HOW do we know what students know and are able to do? Dr. Gail Burnaford added these key points:
1) The purpose of assessment is to assist students in learning and doing.
2) There should be no surprises for students in assessment uses, strategies, or purposes.
3) Parents - and the students themselves - need to play an active role in assessment.
4) Assessment can be strengthened if teachers collaborate.

On May 27th, Dr. Vito Perrone, of Harvard University, made a significant presentation to Chicago business leaders, and later to the LSC A Summit. A national educational figure, Dr. Perrone believes that tests like the ITBS "reduce the decision-making potential of educators in schools and may well be negatively influencing the direction of curricular and pedagogical practice."

In his introduction to Expanding Student Assessment, Perrone writes, "In many schools, teaching to the test has become a significant part of the curriculum. And though the test facsimiles and tricks that such a process comprises may raise test scores, they are hardly the grist for an empowering education. Rising test scores are no longer matters for public celebration because they are not matched by widespread demonstration of real competence."

These events brought together people with a variety of perspectives who are now working on building a network of support for an educationally-sound assessment system. Call the PURE office (312/461-1994) if you would like to join the dialogue.

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On November 14, 1998, an expanded coalition of reform groups held a third citywide conference, this one focused on student retention. Called "Rethinking Retention to help all student succeed," the event brought together local and national educators to share current research about the effects of retention, teaching strategies to ensure that all students learn, and policies that support improved achievement.

Our keynote speaker was Alfie Kohn, the noted educator and writer on children's issues. Other guest speakers were Dr.
Velma LaPoint, of CRESPAR at Howard University and Johns Hopkins University, and Ernest House, a professor at the University of Colorado, Boulder, who presented a major paper, "Retention in Chicago."

Professor House's paper concluded that "the Chicago retention program should never have been carried out. Retention has consistently failed to boost student achievement, and it makes students much more likely to drop out of school...there is nothing unique about the Chicago retention program that suggests that the ultimate results here will be any different."

♦ ITBS Parent Pamphlet

By this time, the LSC Summit decided to prepare an informational pamphlet for parents. Working with Fair Test and writing by committee, we spent several weeks composing, editing, and formatting the document. In January, 1999, we published The Iowa Test: What Every CPS Parents Needs to Know, describing the issues and problems surrounding standardized testing, retention, and the use of the Iowa test in CPS. The pamphlet was published in both English and Spanish. We offered the pamphlets for free to local school councils (LSCs), and distributed some 100,000 booklets in 150 schools.

We announced the pamphlet distribution with a press conference. One of the speakers was a CPS parent whose daughter had been affected by the testing policy. Patricia Langley's daughter, who is African-American, had been retained in the sixth grade. Her reading score was above the ITBS cut-off, but her math score was one-tenth of a point too low, a 5.2 GE when the required score was 5.3 GE.

Patricia Langley stated, "In summer school my daughter was traumatized and embarrassed by what had happened to her. She was bored and frustrated because she was not getting the help she needed so she could do better in 7th grade. The worst thing was that when my daughter took the Iowa again at the end of summer school, her score was lower."

This story put a human face on the problem. We received wide coverage in the press. The booklets have been very popular, and we have continued to distribute them at major events and gatherings of parents and LSC members. We had to move distribution of the ITBS booklets out to the community because Paul Vallas banned them from the schools.
Getting the message out through press conferences

PURE presents occasional press conferences on our own or with coalitions, as a way of getting our message out directly to the public. To be successful, these events need a good "news hook," articulate speakers including real people telling the story of how they are affected by the issue you are raising, a brief, summary statement of the issue, and supporting documentation. Interesting visuals help as well. You need a current media list of reporters who generally cover your issues, and an ability to fax a press release.

\[ Turning\ the\ top-down\ upside\ down.... \]

The LSC \[ \triangle \] SUMMIT

** Press Statement **

FOR IMMEDIATE RELEASE

January 27, 1999

Citing CPS contract violations, parents call for suspension of CPS use of the ITBS, TAP tests

Today parents of Chicago Public School children called for a suspension of CPS' use of the ITBS and TAP tests. Parents have learned that CPS is in violation of their test use agreement with the University of Iowa and Riverside Publishing Company, the producers of the Iowa Tests of Basic Skills (ITBS) and the Tests of Achievement and Proficiency (TAP). By using these test scores as a single measure for making student promotion decisions, CPS violates its contract with the testing company and guidelines for using the tests. Parents are also concerned that this inappropriate high-stakes testing is lowering educational quality by forcing schools to spend too much time teaching to the test at the expense of other key educational areas.
This request coincides with the release of a free booklet for parents outlining the educational issues raised by high-stakes testing in the CPS. Over 100,000 copies of this booklet will be distributed to parents today. Prepared by FairTest, a national organization specializing in issues of student assessment, and the LSC Summit, a coalition of parent and school reform organizations, the booklet provides in-depth information about the ITBS and TAP tests so that parents can be more informed partners in their children's education.

**CPS policy violates the rules for use of ITBS and TAP test scores**

According to the CPS promotion policy, failing to make cut scores on ITBS or TAP tests alone will cause students to be retained. This policy violates the publisher’s rules for test use which CPS agreed to follow when it purchased the tests. The agreement states that users will “avoid labeling students based on a single test score.” Furthermore, CPS also agreed to follow the ITBS test manual which states that “a test score from an achievement battery should not be used alone in making such a significant decision” as grade retention. In the past, CPS officials have denied breaking these rules.

**Legal challenge possible:** The Chicago Lawyers’ Committee for Civil Rights Under Law is currently considering a legal challenge to the CPS testing and retention policy.

**Social promotion vs. retention a false choice**

Julie Woestehoff, executive director of Parents United for Responsible Education, said, “CPS leaders act as if there are only two educational choices for children, retention or social promotion. This is a false choice. We do not - let me repeat - we do not favor social promotion. Social promotion does not help children succeed academically. However, decades of research also show very clearly that retention does not work, either. Educators know that there are much better, educationally sound ways of teaching and assessing children.”

**100,000 copies of informational booklet for parents out in schools today**

Today over 100,000 copies of a booklet called “The ITBS and TAP Tests: What Every CPS Parent Needs to Know,” are set to be distributed by Local School Councils to parents in more than 150 CPS schools along with student report cards. Citing decades-long research, the booklet describes the impact that misuse of these tests has on educational quality and the limitations of these tests as single measures for making key decisions about students. The booklet explains how CPS has violated ITBS and TAP test rules and national professional standards for use of such tests.

**Retention hurts, doesn’t help student achievement**

Patricia Langley, the parent of a retained CPS student, said today, “What really
frustrates me is that this one score on the Iowa test caused my daughter to repeat a whole year in her life in school. Now I have learned that using the test score in this way is a violation of the testing contract."

Mrs. Langley's daughter was a good student in sixth grade who has a wall full of awards and honors from her school. Her ITBS math score from the spring of 1998 was 5.2, one tenth of a point below the CPS promotion policy cut score of 5.3. She was required to attend summer school. When she re-took the test at the end of the summer, she was extremely nervous and under a great deal of pressure because this score would determine if she would be promoted to seventh grade. Unfortunately, her score was even lower than before, and she was sent back to sixth grade.

**Quality of CPS education compromised by overemphasis on ITBS and TAP tests**

Patricia Langley's child is just like thousands of other CPS students who have not been helped by the hundreds of millions of dollars being poured into the CPS summer bridge, after school, and transition programs. For all their cost, these programs do not provide a quality education for students but, instead, drill them day in and day out on test taking skills.

Lauren E. Allen, Senior Program Director of the Cross City Campaign for Urban School Reform, a national network working to improve urban public schools, said, "Schools that spend months concentrating on test preparation sacrifice the kind of quality curriculum and instruction that provides students with the knowledge and skills they need for the future. We call on Chicago to take the lead in developing an educationally sound approach to assessing student learning that will assure a quality education and academic success for all children."

**Join citywide discussion on ITBS and TAP test and student retention**

The booklet being distributed today by LSCs in their local schools is the first effort by the LSC ▲ Summit to bring directly to parents key information which they do not hear from CPS. In the booklet, the LSC ▲ Summit urges parents to speak to their children's teachers and school principal about the CPS testing and retention policy. The LSC ▲ Summit will provide speakers for LSCs holding school-wide informational meetings on this topic. We will support parents in Chicago and across the nation in becoming better informed about the issues of testing and retention which affect their children's education.

The LSC ▲ Summit is assisted by the following organizations:
- Chicago Association of Local School Councils ▲ 312/663-3863
- Cross City Campaign ▲ 312/322-4880
- Designs for Change ▲ 312/857-9292
- Lawyers' School Reform Advisory Project ▲ 312/332-2494
- Parents United for Responsible Education ▲ 312/461-1994
- Schools First ▲ 312/857-9292
- Teachers' Task Force ▲ 312/986-9238
needs to know

CPS Parent
What every

Tests

and TAP

The ITBS
Parents, you need to know that...

Overemphasis on ITBS and TAP tests may lower the quality of your child’s education.

- ITBS/TAP tests do not test many important educational areas.

- Schools may be forced to "dumb down" education when these tests are overemphasized.

- There are much better, more educationally sound ways to assess children's learning.

This booklet was written especially for Chicago Public School parents by the LSC Summit, a coalition of Chicago parent and school reform groups, together with FairTest, a nationally-recognized organization specializing in issues of student testing.

FairTest is at 342 Broadway, Cambridge, MA 02139; 
(617) 864-4810; email to fairtest@aol.com; 
internet website at http://www.fairtest.org

The LSC Summit is assisted by the following organizations: 
Chicago Association of Local School Councils (312)633-3843) 
Designs for Change (312)657-8312) 
Lawyers' School Reform Advisory Project (312)332-2440) 
Parents United for Responsible Education (312)661-1994) 
Schools First (312)851-9292) 
Teachers' Task Force (312)986-9238)

Parents, you need to know that...

The ITBS and TAP tests have significant limitations.

- ITBS/TAP test scores do not tell you what students know or are able to do; they only tell you how your child compares to other students.

- Half the ITBS/TAP test-takers will always score below average.

- ITBS/TAP tests use obscure or tricky questions to sort and rank students.

- The margin of error of ITBS/TAP test results is too great to use those results alone to make important educational decisions.

- The way CPS uses the ITBS/TAP tests to make important decisions about students is a violation of the rules for using these tests.
Overemphasis on ITBS and TAP tests may lower the quality of your child's education.

ITBS/TAP tests do not test many important educational areas.

Just as you may be a good driver even if you do not know the way to the airport, children may be good students in reading and math and still choose wrong answers to ITBS/TAP questions. There is a lot more to reading and math than multiple-choice questions — such as those on ITBS/TAP tests — can measure. Also, ITBS/TAP tests do not test writing, science, social studies, the arts, or other areas of state and district educational standards. Multiple choice tests cannot test most higher-level thinking skills. They do not test skills students need to get into college or qualify for jobs. These tests cannot determine if a student can write a research paper or a short story, use history as a context for understanding current events, construct tables and charts to show the results of a science experiment or interpret those results, discuss the differences in poetic writing styles, or debate important issues. They don’t test problem-solving, decision-making, judgment, social skills, or citizenship.

In other words, they do little to test children’s ability to function and succeed in their real-world environments.

Schools may be forced to “dumb down” education when these tests are overemphasized.

Overemphasis on ITBS/TAP tests encourages schools to “teach to the test,” that is, to spend lots of instructional time having students practice how to answer questions like those on ITBS/TAP tests. Many educators believe that teaching to these tests results in inferior teaching and a weakened curriculum which do not serve our children. Research shows that students make stronger long-term achievement gains when the emphasis is on improved teaching methods which engage and challenge children and not on multiple-choice or short-answer testing.

But CPS schools are being pressured to narrow the curriculum and spend weeks in test-preparation activities. The CPS summer school bridge programs are largely a test-coaching program. High-achieving school systems do not narrowly teach to tests like the ITBS or TAP. These schools offer their children a rich, challenging curriculum which prepares them for college and career. Research shows that teaching practices in high-minority classrooms are affected more by these tests which emphasize low level thinking and knowledge.

There are much better, more educationally sound ways to assess children’s learning.

Track the road test you take behind the wheel of a car, which is a practical performance test, a better indicator of how well you can drive than any pencil-and-paper exam? Many educators believe that this kind of performance-based test provides much better information about what students know and are able to do than the ITBS/TAP tests by themselves.

There are better ways to assess student learning and school quality. For example, many CPS teachers are using portfolios.

Retention hurts, doesn’t help student achievement

Research has shown repeatedly that grade retention — holding students back for another year at the same grade — does not work and actually harms students. These studies show that after a couple of years, students who were retained do less well than similar students who were not retained. There are few educational practices proven to be as damaging to students as retention.

Retention also has been a focus on low-income and minority children. Ernest House, a noted educational researcher, stated, “Chicago would not have its retention problem if its student population were not 89% minority. By contrast, a survey of fifteen Chicago suburban school districts indicated that they retained fewer than one percent of their students, it is the inner city with large minority populations where these harmful programs are implemented en masse.”

So CPS is using an inadequate measure — the ITBS/TAP — as the basis for carrying out a policy which has been proven to damage children’s grade retention.

What is better than retention? Real, long-term improvements in student achievement occur when schools provide support to children as soon as they begin to fall behind, regularly assess progress for their effectiveness, offer early childhood education, use resources to attract more qualified teachers, lower class size, fund better materials, and provide more high-quality teacher training and support.
ITBS and TAP tests have significant limitations.

ITBS/TAP scores do not tell you what students know or are able to do; they only tell you how your child compares to other students.

The ITBS/TAP tests are norm-referenced tests. This means that they are designed to sort and rank students on a curve (like the bell-shaped or "normal" curve), so that students score very low, average, or high, and most, students score in the middle. These scores are designed so that half of the students taking the test will end up with a lower score which is called the "average" score. This guarantees that half of the students will always score below average on each test.

Half the ITBS/TAP test-takers will always score below average.

If the drivers' test were used to sort or rank people, it would have to include specific questions that everyone would get right. If the test were used to determine the survival of a driver's license, it would require specific questions that everyone would get right. In other words, it would be designed so that half the students taking the test would fail and half would score above average.

ITBS/TAP tests use obscure or tricky questions to sort and rank students.

The margin of error of ITBS/TAP test results is too great to use these results alone to make important educational decisions.

Test scores are not estimating what students can do. Every test has a margin of error.

Different versions of the test, the number of questions on the test, simple mistakes like filling in the wrong bubble, or even a child's mood on a given day can affect his or her score. The margin of error is so great that the Riverside Publishing Company tells school district not to use the ITBS/TAP test scores in a single test for making decisions like grade retention.

ITBS and TAP tests are a single test for making decisions like grade retention. "Single test" means a situation where a certain test score must be reached or a student will be held back, regardless of other factors.

The way CPS uses the ITBS/TAP tests to make important decisions about students is a violation of the rules for using these tests.

The lead author of the ITBS for Riverside Publishing Company, J.C.D. Howard, recently said that a "single test should never be used as the sole basis" to make such decisions. The ITBS/TAP tests are not designed to make such decisions.

CPS signed an agreement with Riverside Publishing Company to use the ITBS and TAP tests. This agreement states that CPS will not label students based on a single test score.

Because CPS requires students to reach a certain score on a single test—the ITBS or TAP—to be promoted, CPS has broken their agreement with Riverside and violated professional testing standards.
Dear Parents,

The Chicago Teachers' Federation (CTF) is pleased to present the following information about the TAP/ITBS tests.

What can you do?

1. Educate yourself about the tests and their purpose.
2. Talk to your child's teacher and school principal about the tests.
3. Encourage your child to do their best on the tests.
4. Support your child in preparing for the tests.

What is the TAP/ITBS test?

The TAP/ITBS is a standardized test used to assess students' academic progress. It is administered to students in grades K-8 and includes sections on reading, math, and science.

How can you help your child?

1. Encourage your child to read at home.
2. Help your child with homework.
3. Provide a positive learning environment.
4. Show interest in your child's schoolwork.

What do the results mean?

The results of the TAP/ITBS are used to identify students who may need additional support. Schools use this information to develop individualized learning plans for each student.

Contact Information:

CTF Office of the President
435 S. Dearborn St., 5th Floor
Chicago, IL 60605

Phone: 312-344-4200
Fax: 312-344-4217

Email: info@ctf.org
Website: www.ctf.org

Thank you for your time and attention.

Sincerely,

[CTF Name]
His test scores the prior year had been well over the national norms, his grades were excellent, and he was selected to enroll in an International Baccalaureate program in high school. However, the pressure surrounding the ITBS test was too much for him.

Presidential Scholar denied graduation

By the spring of 1999, parents were up in arms about what was being done to their children in the name of “accountability.” PURE held a press conference on June 7, 1999, at which a parent told the story of her eighth grade son, an African-American honor student who was not allowed to walk with his classmates for graduation because he missed an Iowa test cut-off score by one-tenth of a point.

His test scores the prior year had been well over the national norms, his grades were excellent, and he had been selected to enroll in an International Baccalaureate program in high school. However, the pressure surrounding the ITBS test was too much for him. He had something like a panic attack during the reading test and had to be helped from the test room. When he re-took the test, he was still anxious and he scored one-tenth of a point too low, a 7.3 GE instead of the required 7.4 GE.

The young man was immediately told he could not participate in any of the class festivities including the eighth grade luncheon and a pinning ceremony which was to include his parents. He lost the Presidential Scholar award which the teachers had voted to give him because of his academic achievements, and he was told that he would no longer be considered for the IB program, since he was not an eighth grade graduate and he would be unable to attend the IB summer preparatory program due to compulsory summer school.

This particular story had a happy ending. The publicity surrounding the case led CPS to reconsider and retest the student, who “passed” this time, and went ahead with his life.

We were encouraged later in the summer of 1999 when Mayor Daley publicly stated that he wanted the school system to get away from so much testing and to move toward a full evaluation of all children.

But by the fall of 1999, tens of thousands of children had been held back because of their Iowa test scores alone. Many had already been flunked twice or even three times. Hundreds of children were stuck in segregated transition centers, unable to move forward until they reached a certain Iowa test score. The dropout rate for retained eighth graders reached 29%. Too many children were being hurt, and a disproportionate number of those children were black and Latino.
On October 21, 1999, PURE filed a discrimination complaint with the Office for Civil Rights of the U. S. Department of Education (OCR) against the Chicago Public Schools' student promotion policy. We filed the OCR complaint because we believed our children and families needed the federal government to intervene in this matter. We charged that the CPS elementary school student promotion policy using student scores on the Iowa Tests of Basic Skills as sole measures to determine promotion or retention had a discriminatory impact on African-American and Latino students.

This complaint was announced at a press conference on October 21, 1999. In addition to our complaint, we announced the filing of complaints by two families on behalf of their children. One family was concerned that their son, an African-American student, had spent two years in third grade and two summers of test preparation, but he still had not met the required cut-off score on the test. Although he was finally promoted to the fourth grade, they were very concerned about the next time he would meet the ITBS barrier.

According to the family's complaint to OCR, the child "has experienced and sustained serious emotional distress because of these multiple retentions and the extreme stress he now feels about taking the ITBS. He has been made to feel inferior and as if he is a failure. He has cried, made up excuses not to go to school, felt extremely nervous, and dreaded the day of the test. He is only in fourth grade, and has the rest of his schooling ahead of him, yet I am afraid that with this test as a barrier, he has been and will continue to be denied the opportunity and support he needs to be a motivated student, to be instructed in a high-quality curriculum, and to progress towards graduation, college, and a successful career.

The second family filed on behalf of their eighth grade daughter, a Latina student who had "passed" the math ITBS but scored two-tenths of a point too low in reading. She was told she could not graduate and would have to attend summer school and then retake the test. This was especially frustrating because the young lady, whose native and home language is Spanish, had been accepted into a prestigious summer program, the Guild Complex annual Young Writers' program.

"The child has experienced and sustained serious emotional distress because of these multiple retentions and the extreme stress he now feels about taking the ITBS."
The family had appealed to the Region Office, which supposedly could grant waivers to the promotion policy. They received no response. They met with Paul Vallas, who also told them that they had no recourse.

In her original plea to the Region Officer, the student said, "I have been living a torture since the day my class teacher told me I would probably be able to get a waiver. Please have compassion for me and please give me the pleasure to go and throw the summer school slip away."

The young woman and several of her classmates were eventually told to arrive at the Region Officer's office on the day of graduation with their graduation clothes in case the Region Officer decided to grant them waivers. After waiting a very long time, past the hour of graduation, the Region Officer appeared to say that none of the students would be given a waiver.

Here is PURE's original OCR complaint.

October 21, 1999

Office of Civil Rights
U.S. Department of Education
111 N. Canal Street, Suite 1053
Chicago, IL 60606-7204

Discrimination Complaint under Title VI of the Civil Rights Act of 1964

Filed by: Parents United for Responsible Education (PURE)
407 S. Dearborn #515, Chicago IL 60605
telephone 312/461-1994
on behalf of parent members of our organization

Against: the Chicago Public Schools
125 S. Clark Street
Chicago IL 60603
telephone 773/553-1600.

Parents United for Responsible Education (PURE) is a citywide non-profit membership organization dedicated to improving the Chicago Public Schools. PURE is a resource for public school parents, providing free information, support, training, & advocacy. While there are many groups working on school reform in Chicago, PURE has a special role in focusing on issues from the parents' point of view. PURE's membership is multiracial, multi-cultural and economically diverse.
PURE alleges ongoing discrimination by the Chicago Public Schools ("CPS") based on race, color, national origin, and sex since 1996 resulting from the discriminatory promotion policy and arbitrary waiver process CPS currently employs. These discriminatory actions have had an adverse impact on children of PURE members.

CPS falls under the jurisdiction of the Office of Civil Rights because it receives federal education funds.

Under the Policy, and despite test publisher and testing profession warnings against such use, CPS uses students' individual reading and mathematics scores from the Iowa Tests of Basic Skills ("ITBS") as a pass-fail measure for making several high-stakes decisions. On information and belief, such use of the ITBS results in educational decisions that have an adverse impact on African-American, Latino, and male students. Additionally, CPS grants waivers from the Policy in a manner that is arbitrary and capricious, when waivers are granted at all. We believe that the waiver procedures further aggravate the discriminatory impact of the Policy.

**The Wrong**
The Chicago Public Schools ("CPS") currently employs an arbitrary and discriminatory promotion policy. (A true and correct copy of the Chicago Public Schools Promotion Policy - the "Policy" - is attached as Exhibit A.) Under the Policy, and despite test publisher and testing profession warnings against such use, CPS uses students' individual reading and mathematics scores from the Iowa Tests of Basic Skills ("ITBS") as a pass-fail measure for each of the following decisions:

- (A) which children are eligible to graduate from eighth grade,
- (B) which children must attend summer school,
- (C) which children will be promoted from, and which children will be retained in, grades 3, 6, and 8,
- (D) which children will be sent to an eighth grade "transition center",
- (E) which children will be allowed to progress from the "transition center" to high school; and
- (F) which children will be retained in a "transition center."

Additionally, CPS grants waivers from the Policy in a manner that is arbitrary and capricious, when waivers are granted at all. The waiver procedures further aggravate the discriminatory impact of the Policy.

**Disparate impact**
On information and belief, the above use of the ITBS results in educational decisions that have an adverse impact on African-American, Latino, and male students.
Examples of the disparate impact of the Policy may be found in some of the data on enrollment of African-American and Latino students in the Chicago Public Schools.

- The CPS general student population includes 53.5% African-American students, 32.8% Latino students, and 10.3% white students.

- In marked contrast, the 1998 population of the “transition centers” which are made up entirely of eighth grade students 15 years old or older who did not meet the ITBS cut-off score in eighth grade or after summer school includes 71.4% African American students, 25.4% Latino students, and 2.6% white students. (Note that LEP students who are currently enrolled in transitional bilingual education are exempted from the ITBS.)

- Accordingly, the 5 to 1 ratio of African American to white students in the general school population jumps to 27 to 1 in the “transition centers.” Taking into consideration the comparative enrollments of white and African-American students in the overall school population still yields a disparate impact ratio of more than 5:1. This is more than four times the generally-accepted 5:4 standard for demonstrating disparate impact.

- Also accordingly, the approximately 3 to 1 ratio of Latino to white students in the general school population becomes 10 to 1 in the “transition centers.” Taking into consideration the comparative enrollments of white and Latino students in the overall school population still yields a disparate impact ratio of more than 3:1, again far exceeding the usual 5:4 ratio standard used to demonstrate disparate impact.

Various attempts by civic groups to acquire key public information about the CPS testing program and its impact have met with little cooperation from CPS. For example, the Chicago Lawyers' Committee for Civil Rights under Law has requested data on the CPS testing program under the Freedom of Information Act, but received an incomplete response. In July of 1999, the American Civil Liberties Union filed a FOIA request including a request for ITBS pass rate data by racial and ethnic group, but still awaits disclosure of this public information. Investigation is therefore essential.

Violation of federal legal and civil rights principles

Further, CPS has violated the following federal legal and civil rights principles for use of high-stakes tests in promotion decisions as recently detailed in the U.S. Department of Education guidebook, "Taking Responsibility for Ending Social Promotion," pp. 19-20 (May 1999) as follows:
"Professionally acceptable evidence regarding test validity and reliability: ...the test must be designed for this use and there must be evidence that it is appropriate to use the test as a sole or principal criterion." (p.19)

▶ **In violation of this guideline and principle, CPS uses the Iowa Tests of Basic Skills, whose makers themselves call “inappropriate” the use of that battery of tests alone for promotion or retention decisions, to make just such decisions (see attached guidelines of Riverside Publishers).**

"Consideration for disparate effects on the basis of race, national origin, or gender: when a test has a significant impact based on race, national origin, or gender, the use of the test must be educationally necessary. This means that the test must be valid and reliable for the particular purpose used and consideration must be given to whether there are any practicable alternative practices that would effectively measure the knowledge and skills the district intend to measure with less adverse impact." (p.20)

▶ **In violation of this guideline and principle, CPS uses the ITBS, which is not valid and reliable for the use CPS makes of it, while alternatives are available such as use of ITBS scores in combination with other factors, as recommended by the test publisher. The CPS waiver policy could offer an alternative practice, yet the CPS waiver policy is not standard or fair and when implemented at all it is implemented in the most arbitrary and capricious manner. In addition, some principals are told that “no waivers are being given out this year,” yet even then some students receive waivers.**

"Equal educational opportunity for students with limited English proficiency: when school districts use tests for high-stakes purposes, LEP students must be provided with appropriate accommodations to ensure valid and reliable results such as use of an alternate test, extended time, or use of a dictionary.” (p.20)

▶ **In violation of this guideline and principle, LEP students in the CPS are given no accommodations.**

We believe that the CPS graduation, promotion, and retention policy flies in the face of sound educational precepts regarding student retention and high-stakes use of tests, is applied in an arbitrary and capricious manner, and has an overall discriminatory effect on African-American and Latino students.

Furthermore, it is a fundamental educational principle reaffirmed by recent U.S. Department of Education reports that:

an educational decision that will have a major impact on a test taker should not be made solely or automatically on the basis of a single test score. Other relevant information about the student’s knowledge and
skills should also be taken into account.  

In flagrant disregard of this fundamental principle, the Policy uses ITBS scores as a pass-fail barrier in a wide range of critical educational decisions. Such other useful information as student attendance, academic performance, and faculty recommendations are readily available. These factors are indeed considered when a student successfully exceeds the cut-off score, but then only in a negative sense; low attendance or a failing grade will also bar that student from graduation or send him or her to summer school. Stated simply, attendance and academic performance can hurt a student, but they cannot help him or her.

The use of ITBS scores as a pass-fail barrier is not justified by any compelling educational reason, and less discriminatory alternatives are available.

Proper consideration of other evidence of the student's academic performance including classroom participation, completion of homework, classroom quizzes and tests, report card grades, attendance, faculty recommendations, etc., which are readily available, would provide a less-discriminatory means of assessing individual student progress. Such consideration would have the effect of actually improving the quality and the caliber of high-stakes decision making, rather than weakening it. No significant monetary or resource burden would be placed on the system.

In fact, the use of the ITBS in Chicago may actually have an overall negative impact on the quality of education in CPS, and particularly the education of minority students.

"When test use is inappropriate, especially in making high-stakes decisions about individuals, it can undermine the quality of education and equality of opportunity. For example, the lower achievement test scores of racial and ethnic minorities and students from low-income families reflect persistent inequalities in American society and its schools, not inalterable realities about those groups of students. The improper use of test scores can reinforce these inequalities. This lends special urgency to the requirement that test use with high-stakes consequences for individuals be appropriate and fair." (High Stakes, p.4)

Concerns about this policy have been raised at Chicago Board of Education meetings, with no result. Parent members of PURE have requested waivers of this CPS policy, and been denied without adequate review.
using test scores on the Iowa Tests of Basic Skills as stand-alone measures to decide individual student graduation, promotion, and retention;

► that the policy be revised in a speedy manner;
► that the revised policy be based on multiple, non-discriminatory measures of student learning;
► that the revised policy conform to the recommendations on pages 278-281 of the 1998 National Research Council report, "High Stakes: Testing for Tracking, Promotion, and Graduation" (copy attached);
► that the revised policy include a clearly-written, standard waiver provision which will be applied in a fair, non-discriminatory manner and include due process;
► that this policy revision be made public in a speedy manner in all local media and that a letter go home to every CPS parent explaining the policy change and why it was necessary, and
► other remedies as indicated by the OCR review of this complaint.

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CPS had a complaint of their own; on the following two pages you can read their response to our announcement.

**Legal Strategies**

Parents have been clamoring to file lawsuits against the CPS testing and retention policies, but lawsuits cost a lot of money and PURE has not been able to figure out how to leverage that kind of support. Fortunately, we have a wonderful attorney friend, Elaine Siegel of E.K.B. Siegel and Associates, who recommended that we try filing a U. S. Department of Education Office for Civil Rights complaint.

OCR complaints are free. They require that you show evidence of discrimination, that the discriminatory policy or practice is not justified, and that there are other, less damaging alternatives. Elaine did provide us with many thousands of dollars worth of legal assistance on a pro bono basis. She helped us with research, prepared parts of the complaint, and assisted us in our follow-up activities. That was a large part of the reason why our complaint was so successful.
FOR IMMEDIATE RELEASE
October 21, 1999

VALLAS Responds to Allegation of Discrimination in CPS Promotion Policies

CHICAGO — Chicago Public Schools’ CEO Paul Vallas today issued the following statement in response to claims by Parents United for Responsible Education (PURE) that CPS’ promotion policies are discriminatory.

"With the elimination of social promotion, we stopped the practice of moving students to the next grade who are not academically prepared. What would be discriminatory is promoting children who are only prepared for failure at the next grade level.

"We promote students based on very specific criteria, which includes minimum scores on standardized tests, academic performance, and attendance," said Vallas.

"The Iowa Tests of Basic Skills, which is one of the determining factors for promotion, is a nationally normed standardized basic skills test utilized by many urban school districts. The test designer has reviewed it for fairness.

Vallas stated further that the waiver process for promotion is also free of bias.

"Our waiver process also includes very specific criteria to ensure uniformity, fairness and objectivity.

"Students have three opportunities to meet the minimum requirement for promotion on the ITBS. Students are tested in May, June and August.

"Since the adoption of high academic standards and the establishment of a tough promotion policy, the school system has
improved by every indicator.

"Math scores have nearly doubled, and reading scores are up 50 percent since 1995. Our truancy rate is the lowest it's been since prior to 1985. Our high school graduation rate is at the highest rate since prior to 1995 and our drop-out rate in general high schools has declined for the third consecutive year.

"Our promotion policy has been endorsed by many large urban school districts, the President of the United States, the U.S. Department of Education and other educators throughout the United States. The elimination of social promotion and the use of standardized tests to determine promotion have become a national model for education."

"PURE is a paid advocacy group with a vested interest in preserving the status quo. It opposes high standards, accountability and the elimination of social promotion. Yet, it continues to support the educational policies established before 1995 that contributed to the past deterioration of the school system."

The Chicago Public Schools is the nation's third largest school district and the second-largest employer in Illinois, with more than 45,000 employees. The school system operates 591 schools and serves more than 431,000 students.

In November, 1999, OCR formally notified us that we had provided enough evidence of the promotion policy's discriminatory impact for them to launch an investigation. PURE's OCR complaint generated considerable media coverage both locally and nationally. Over the next months, PURE continued to stay on top of the issue, providing OCR with new research reports showing the growing proof of the extent of damage being done to Chicago's minority children by the CPS promotion policy.

*Offering a better alternative: New ERA Plan*

PURE and our colleagues in the LSC Summit recognized the necessity of promoting positive alternatives to the CPS testing and retention policy. The success of our fight against this policy made the development of a coherent alternative a rather pressing need. Again, we received considerable help from FairTest as we developed the New ERA Plan, the Evaluation Report for Assessment and Accountability. Summit members wrote the plan with continual feedback and advice from FairTest staff and a few other advisors. As the development process moved along, we began to "road test" the ideas and the document itself in meetings of a larger group of CPS parents, LSC members, educators, and others interested in the issues of student assessment. This group is now known as the "ERA Plan Group" and continues to meet to develop strategies for promoting this alternative proposal.
Highlights of the
New ERA Plan*

1. **Use multiple assessments** to evaluate school and student success and progress towards state, district, and local goals and standards. Include teacher analyses of student strengths and weaknesses, student portfolios, classwork and homework, exhibitions of student work, results of local school annual internal reviews, state external reviews, and state assessments. *Base no important decisions about schools or students on scores from a single test or set of tests.*

2. **Replace both “social promotion” and retention** with effective and timely educational support designed to address identified needs of students. **Retain students in grade only with agreement of the parent(s),** and only after considering multiple measures of progress and determining that retention would likely help, and not harm, the individual child.

3. **Support teachers in their role as the primary assessors of student progress,** recognizing that high quality assessment results in improved instruction. Provide teachers with sufficient time, resources, and training to develop quality assessment strategies. Develop active partnerships among parents, students, and teachers to evaluate student progress.

4. **Review and strengthen key academic and non-academic goals and standards** for student growth and achievement using an inclusive process of public development and regular review. These include the Illinois Learning Standards, the Chicago Academic Standards, and any additional local school goals and standards.

5. **Strengthen the development of local school improvement plans (SIPs) and state, district, and local school review processes.** Include in SIP local school plans for fostering an inclusive, effective, student-centered learning community and assuring that all students reach state, district, and local goals and standards. Specify the variety of assessments and the benchmarks to be used to evaluate progress toward these goals and standards. Use comprehensive reports by the local school internal review and state external review processes in the school’s annual self-evaluation and in district and state evaluation and assistance activities.

6. **Establish a process to implement and monitor this plan** which assures full participation of parents, teachers, students, community members and other stakeholders and that all groups of students benefit from this assessment and accountability system.

*The Evaluation Report for Assessment and Accountability
An alternative proposal for school and student assessment and accountability  July 2001
PURE Fact Sheets

Among PURE's most effective training and informational tools are our PURE Fact Sheets. These are clear, one-page outlines of key issues, news, or other information. This tool has been a particularly important part of our student testing reform strategy because the CPS media effort in support of its testing and retention policies has been so pervasive and convincing. The strong CPS media presence allowed them to define the issues ("social promotion vs retention," "high standards," etc.) and then convince the public that their positions on the issues were proper through use of misinformation, partial truth, and outright propaganda.

If we were to reach and activate parents, we needed to redefine the issues and make our position clear and compelling. We wanted to be sure parents had a clear understanding of the issues. We prepared at least a dozen fact sheets related to the issues of testing and retention. They formed the content basis for workshops and presentations and were widely distributed at those events and through our newsletters.

Sample fact sheets follow.
NRC Report Released: CPS Promotion policy fails to meet standards

"High Stakes: Testing for Tracking, Promotion, and Graduation," just published by the National Academy Press and edited by Jay P. Heubert and Robert M. Hauser, reports the results of a study requested by President Clinton and the U.S. Congress in 1997 in the area of appropriate test use. The NRC study was supported by a contract between the National Academy of Sciences and the U.S. Department of Education.

NRC Recommendation: The NRC report urges in the strongest possible language that "an educational decision that will have a major impact on a test taker should not be made solely or automatically on the basis of a single test score." (p.3) The report repeatedly and uniquely singles the Chicago Public Schools (CPS) out as failing to meet this standard.

NRC study clearly demonstrates that CPS uses ITBS improperly as sole indicator
- "(CPS) was the first large district to announce its intention to end (social promotion- and begin) basing promotion decisions solely on a test that its developers maintain was not designed for that purpose." (p. 42)
- "This (CPS) use of the ITBS appears to be in conflict with the publisher’s recommendations about ‘inappropriate purposes’ of testing." (p. 116 note)
- "Our problem comes with explaining it to educators as to why we don’t use other indicators," says Philip Hansen, CPS Chief Accountability Officer. (p. 127)
- "As we have seen with Chicago’s promotion policy, those with responsibility for test policy may choose to ignore the warnings of test publishers." (p. 261)

NRC Recommendation: The NRC report urges in the strongest possible language that test users avoid teaching to the test: “Test results may be invalidated by teaching so narrowly to the objectives of a particular test that scores are raised without actually improving the broader set of academic skills that the test is intended to measure” (pp.6-7). The report specifically raises the prospect that CPS fails to meet this standard.

NRC study reports CPS “teaching to the test” which may lead to invalid test results
- CPS “provides an example of high-stakes test use for the individual which raises serious questions about ‘teaching to the test’... Teachers are given detailed manuals preparing their students for the tests... Student test scores have increased substantially...but the available data provide no means of distinguishing true increases in student learning from artifactual gains. Such gains would be expected from the combined effects of teaching to the test, repeated use of a similar test, and, in the case of the Summer Bridge program, the initial selection of students with low scores on the test.” (p.132)

One NRC report conclusion: “It is a mistake to accept observed test scores as either infallible or immutable. When test use is inappropriate, especially in making high-stakes decisions about individuals, it can undermine the quality of education and equality of opportunity. For example, the lower achievement test scores of racial and ethnic minorities and students from low-income families reflect persistent inequalities in American society and its schools, not inalterable realities about those groups of students. The improper use of test scores can reinforce these inequalities. This lends special urgency to the requirement that test use with high-stakes consequences for individuals be appropriate and fair.” (p.4)
FACT SHEET: What’s wrong with the ITBS in the CPS?

The Chicago Public Schools uses single ITBS scores to decide whether children are retained or promoted, if 8th graders graduate or go to a transition center, and for other high-stakes purposes. This CPS policy violates federal legal, civil rights, and professional testing standards. According to the testing guidelines of Riverside Publishers, the creators of the Iowa test, using the test in this way is INAPPROPRIATE.

According to the U. S. Department of Education, school districts should use MULTIPLE MEASURES, NOT ONE TEST SCORE, to evaluate student progress from year to year.

According to the National Research Council, “an educational decision that will have a major impact on a test taker SHOULD NOT BE MADE SOLELY OR AUTOMATICALLY ON THE BASIS OF A SINGLE TEST SCORE.”

COMMON MYTHS about standardized tests like the ITBS
They do NOT tell you if your child can read.
They do NOT tell you if your child has learned what is being taught in the classroom
They do NOT tell you if your child is smart or not.
They do NOT tell you how good a teacher your child has.
They do NOT tell you much at all about your child's learning or abilities.
They do NOT tell you if your child is ready to go on to the next grade.
They only tell you how your child ranks in comparison to a national sample of test-takers.

What’s wrong with Iowa testing in the Chicago Public Schools?
• The CPS policy has a discriminatory impact on African-American and Latino students.
• Students who grew up speaking another language have trouble taking a timed test in English.
• The margin of error of ITBS scores is far too large for CPS cut-off scores to be fair.
• Many children are experiencing severe trauma from test anxiety.
• Waivers are given out arbitrarily, not based on thorough student evaluation.
• Teachers are spending too much time teaching to the test and not enough time in quality instruction and assessment.
• Recent research shows that retained CPS students are not improving academically.
• Decades of research shows that retained students are more likely to drop out.

What are better ways to evaluate how students are learning & schools are teaching?
Multiple measures of student learning
Performance and portfolio assessments
Work over time
State tests and quality review
Evaluation which includes input from teachers, principals, counselors, and parents

For more information about testing see www.fairtest.org or call PURE at 312/461-1994.

5/00
The U. S. Department of Education’s Office of Civil Rights continues to investigate the Chicago Public Schools testing and retention policies based on PURE’s discrimination complaint filed last October, 1999. If the Office of Civil Rights agrees with PURE that the CPS policies are discriminatory against African-American and Latino students, which is supported by extensive data, it is then up to CPS to prove that the policy is educationally necessary and that there are no less discriminatory alternatives. This will be difficult for CPS to prove.

More serious problems with the CPS use of the ITBS for retention decisions have been raised since PURE filed our complaint.

- Data over several years is confirming that retention is not helping the nearly 50,000 students who have been retained by CPS. Far from an educational necessity, this policy is an educational fiasco.

- The margin of error in the ITBS is so wide that one wrong answer can make as much as nine months difference in an eighth grade student’s grade equivalent score, yet CPS refuses to allow students to graduate with their class if they are even one month below the graduation cut-off score.

- CPS officials are running out of creative ways to cover up the fact that ITBS scores are used by themselves to make graduation and retention decisions, a use which is expressly described as “inappropriate” by the test makers, and which violates U.S. guidelines for test use.

- The waiver process has finally been exposed publicly to be no more than an arbitrary exercise of power by Region officers. While waivers could provide an educationally-sound look at a student’s overall record, in fact they are given out in a process that more closely resembles the way trash carts are distributed by ward committeemen.

- Educators have pointed out that the ITBS is not aligned with either Chicago or Illinois learning standards.

- Rampant ITBS cheating is essentially encouraged by CPS which insists that schools “clean” all student test scores sheets before turning them in, which is considered tampering in any other system, and they ignore reports of ITBS copies circulating in schools.

$100,000 legal team
CPS is clearly concerned about the outcome of the OCR investigation. They have authorized $100,000 in legal fees to the powerful Winston and Strawn law firm (whose partners includes former governor James Thompson) to protect them from PURE’s complaint. Your tax dollars at work!
RETENTION DOESN'T WORK...
WHAT DOES WORK IN SCHOOLS?

RETENTION DOESN'T WORK, IS EXPENSIVE

Many studies confirm that grade retention is not the most effective way to assist students who are behind their peers. According to the publication, Class Notes, "one researcher concluded that 'it would be difficult to find another educational practice which is so unequivocally negative.'"

In fact, studies show that:
- fifty percent of students who repeat a grade do NO BETTER the second time, and 25% do worse;
- students ranked the death of a parent and going blind as the only two conceivable life changes more stressful than being held back;
- in Texas, half of the students retained do not graduate, and 90% of those retained twice drop out;
- retention is expensive, costing the country an average of $10 billion a year.

What is better than retention?
Using those resources to attract more qualified teachers, lowering class size, and funding better materials and teacher training.

WHAT WORKS IN SCHOOLS

"The important thing is not just that you do something, but that you do it right," says Mary Fulton, Education Commission of the States policy analyst.

Doing what works is different from just doing something. For example, educational research shows overwhelmingly that retaining kids doesn't work and hurts kids, so doing something about social promotion isn't enough. You have to do something that helps improve education. Doing something without the buy-in of school staff doesn't work which makes top-down decision-making particularly ineffective at the classroom level.
Organizing parents

None of our work would have been successful if it had been done in a vacuum. Parents brought the testing issue to our attention, parents were the primary advocates for the students, and parents joined us in significant numbers to support the Fair Testing campaign over the years.

PURE was instrumental in educating parents and giving them tools to fight for their children. We collected their stories. We organized events to give parents a chance to be seen and heard. We got the message out in the local and national press. Most importantly, we helped them help their children.

During the first week of May, 2000, which was Iowa test week, fifty people participated in our week-long vigil at City Hall. Later that month in a press conference, some twenty-five parents presented a report card with straight "F's" for the CPS promotion policy and its author (see next page). At that month's Board of Education meeting, we brought a busload of angry parents to protest the testing and retention policy. The next day, we brought parents together with the Organized Students of Chicago, a group of CPS students who were protesting the misuse of tests in CPS, in a march around CPS headquarters.

This sustained, intense month of protest set the stage for the August, 2000, resolution of our OCR complaint.
Report of CPS School Leader Progress

Paul Vallas

Name of School Leader

<table>
<thead>
<tr>
<th>Subject</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setting high standards for student promotion</td>
<td></td>
</tr>
<tr>
<td>using appropriate assessments tied to state and Chicago learning standards</td>
<td>F</td>
</tr>
<tr>
<td>Providing reasonable and fair notice of failure to students</td>
<td></td>
</tr>
<tr>
<td>including adequate time for remediation and for a legitimate waiver process and incorporating a careful evaluation of the student's work</td>
<td>F</td>
</tr>
<tr>
<td>Following guidelines of Iowa test publisher</td>
<td></td>
</tr>
<tr>
<td>which state that it is <em>inappropriate</em> to use Iowa test scores by themselves to make promotion decisions</td>
<td>F</td>
</tr>
<tr>
<td>Following guidelines of the U. S. Department of Education</td>
<td></td>
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<tr>
<td>which state that when ending social promotion, states and districts should use <em>multiple measures</em>, not one test score, to evaluate student progress</td>
<td>F</td>
</tr>
<tr>
<td>Avoiding discriminatory effects in CPS policies and practices</td>
<td></td>
</tr>
<tr>
<td>such as mandating the use of promotion tests on which African-American and Latino students consistently score significantly lower than white students</td>
<td>F</td>
</tr>
<tr>
<td>Providing reasonable and fair notice of failure to students</td>
<td></td>
</tr>
<tr>
<td>including adequate time for remediation and for a legitimate waiver process incorporating a careful evaluation of the student's work</td>
<td>F</td>
</tr>
<tr>
<td>Demonstrating concern for children's emotional health and well-being</td>
<td></td>
</tr>
<tr>
<td>by, for example, avoiding use as a corner stone of the promotion policy threats of retention, which research shows children fear more than anything except going blind or the death of a parent</td>
<td>F</td>
</tr>
</tbody>
</table>
Cable TV specials

PURE learned that one of the best ways to reach a lot of our constituents is through cable TV. We began producing a weekly show on the local Chicago cable access channel 21 in 1998 and the response has been strongly positive. Parents who are not "tuned in" to their school’s LSC and so do not find out about educational issues from our newsletters or other LSC work are finding PURE by channel surfing, and even sometimes tuning the show in on purpose!

The popularity of our weekly show, and the concern of the cable access leaders that there were few programs with educational messages, led to an opportunity for us to create special hour-long studio shows. The format requires gathering a studio audience and a panel with a moderator, and, in two cases, adding a live telephone call-in feature. This is an especially challenging format for us media novices but a chance for great exposure - the shows are broadcast live but then repeated several times over the course of the month, and often in subsequent months, on several municipal cable access stations.

We produced three shows on testing reform issues (two in English, one in Spanish). These shows were very powerful. The panelists, who included teachers, students, and parents, gave testimony to the negative effects of high-stakes testing on children and their education. Members of the studio audience added their stories and statements, and the comments and questions from callers to the program confirmed that in Chicago, people were really seeing the truth about what was happening in our schools.
Impact of OCR complaint

Late in July, 2000, CPS released a press statement that they were revising the promotion policy in a way that would give teachers more say over student promotion and retention decisions. PURE saw this as a hopeful sign that parent pressure and our OCR complaint were getting results. We were alarmed, then, when CPS refused to make the policy revision public. We called for public hearings so that parents and others could have a voice in a policy which had such a huge impact on their children’s lives, on the lives of thousands of families. CPS officials refused that request.

Two days before the August 23, 2000, Board meeting, PURE finally got a copy of the draft revised policy. While the draft revision was twice as long as the previous policy, most of the changes were merely window dressing. The revision allowed the same high-stakes Iowa test use, and added even more barriers to promotion for some children. PURE quickly sent a letter of objection to OCR. We testified about our concerns at the Board meeting itself. Board president Gery Chico publicly dismissed our concerns. However, behind closed doors, the draft policy underwent a major overhaul. OCR monitored the revision and sent at least two clarifying letters to CPS before informing us that they considered PURE's complaint resolved.

The Fall, 2000, PENCIL story about the successful resolution of our complaint follows on the next pages.
PURE Wins Major Changes in CPS Student Promotion Policy

U.S. Department of Education’s Office for Civil Rights resolves PURE’s complaint with major overhaul of CPS policy, ending sole reliance on Iowa test for promotion

On October 4, 2000, PURE announced a resolution to our year-old discrimination complaint filed with the Office of Civil Rights of the U.S. Department of Education against the Chicago Public Schools student promotion policy. OCR’s investigation of CPS, and its subsequent complaint resolution activities, resulted in major changes in the policy.

Those changes include an end to the use of Iowa test scores alone to judge the progress of any student, implementation of true multiple measures to evaluate student progress, and a fair review process which will be clearly communicated to parents. (See inside for detail of changes)

Year-Long Investigation
PURE filed the complaint with the OCR on October 21, 1999. We charged that the CPS elementary school student promotion policy using student scores on the Iowa Tests of Basic Skills as sole measures to determine promotion or retention had a discriminatory impact on African-American and Latino students. We contended that the CPS policy violated federal legal and civil rights laws and principles.

Evidence of discrimination
The policy has resulted in the retention in grade of tens of thousands of students and sent thousands more to segregated transition centers despite decades of solid research that retention does not help, and often hurts students.

We provided proof that African-American and Latino students in Chicago have been the most affected under this policy. For example, PURE showed that the enrollment of African-American and Latino students in the transition centers is disproportionately high compared with their overall enrollment city wide.

National Precedent
The resolution of PURE’s complaint is a precedent-setting outcome for the entire nation. High-stakes testing of public school children has swept across the country like an epidemic, and Chicago was one of the first places to catch the fever. Parents all over the nation have begun to protest the tests. They are looking for ways to protect their children from improper, discriminatory, and educationally-unsound testing practices. In fact, high-stakes testing is a major theme in the presidential election.

The fact that parents in Chicago have been able to force changes in a bad policy will give hope to others. It will help other parents fight against high-stakes testing in their own state or district.

From the press statement of Julie Woestehoff, PURE Executive Director
Nearly a year ago we announced that PURE had filed a discrimination complaint with the U.S. Department of Education’s Office for Civil Rights against the Chicago Public Schools student promotion policy. We stand here today excited and proud. Our complaint, and the intervention of the federal Office for Civil Rights, successfully brought about major changes in the way CPS will now evaluate the academic progress of our children.

This is a huge victory for parents and for our children. We demanded that CPS stop using one test score to judge our children, and we won! We demanded that multiple measures be used to evaluate student progress, and we won! We demanded that there be a fair, clear waiver process, and we won! We are thrilled at this outcome for our children’s sake.

The History
Let’s review some of the history of our fight. As early as June, 1997, parents began coming to PURE to complain about the Iowa test, summer school, and retention. We brought these concerns to CPS, but CPS was unresponsive.

More and more parents called us, upset about the overemphasis on testing, and what they considered to be unfair decisions to flunk their children because of one Iowa test score.
ITBS Parent Pamphlet
In January, 1999, PURE and other school reform groups published and distributed 200,000 booklets, "The Iowa Test: What Every CPS Parents Needs to Know," describing the issues and problems surrounding the use of the Iowa test in the Chicago Public Schools. Paul Vallas announced that the booklets would be banned from CPS schools.

Despite the Vallas ban, the booklets educated many parents, and made them even more concerned. But CPS remained unresponsive.

Presidential Scholar denied graduation
In June, 1999, we highlighted the story of a CPS eighth grade honor student who was not allowed to walk with his classmates for graduation because he missed an Iowa test cut off score by one-tenth of a point. CPS remained unresponsive.

We were encouraged later in the summer of 1999 when Mayor Daley publicly stated that he wanted the school system to get away from so much testing and to move toward a full evaluation of all children. But CPS remained unresponsive.

By the fall of 1999, tens of thousands of children had been held back because of their Iowa test scores alone. Many had already been flunked twice or even three times. Hundreds of children were stuck in segregated transition centers, unable to move forward until they reached a certain Iowa test score. The drop out rate for retained eighth graders reached 29%. Too many children were being hurt, and a disproportionate number of those children were black and Latino. But CPS remained unresponsive.

Parents ask for federal intervention
We filed the OCR complaint on October 21, 1999, because we believed our children and families needed the help of the federal government. In November, OCR formally notified us that we had provided enough evidence of a discriminatory impact for them to launch an investigation.

PURE continued to stay on top of the issue, providing OCR with new research reports showing the growing proof of the extent of damage being done to Chicago's minority children by the CPS promotion policy.

City Hall Vigil
PURE continued to bring parents together to protest the policy. Fifty people came to our week-long vigil at City Hall the first week of May this past spring. We stood in solidarity with our children as they took their Iowa tests that week.

Later that month, we presented a report card to Paul Vallas, grading him with straight "F's" for his promotion policy. We brought more parents to the May Board of Education meeting, hoping that their anguished stories would move the Board members to reconsider the policy.

While some parents were privately given relief for their children, CPS remained unresponsive to the need for a policy change, a change for all children.

CPS leaks some changes
Late in July, 2000, CPS released a press statement that they were revising the promotion policy in a way that would give teachers more say over student promotion and retention decisions. PURE saw this as a hopeful sign that our OCR complaint was getting results.

We were alarmed, then, when CPS refused to make the policy revision public. We called for public hearings so that parents and others could have a voice in a policy which has such a huge impact on their children's lives, on the lives of thousands of families. CPS officials dismissed that request.

Draft policy disappointing
Two days before the August 23, 2000, Board meeting, PURE finally got a copy of the draft revised policy. While the draft revision was twice as long as the previous policy, most of the changes were merely window dressing.

The revision allowed the same high-stakes Iowa test use, and added even more barriers to promotion for some children.

PURE quickly prepared a letter of objection for OCR, and I shared our concerns at the Board meeting itself. Board president Gery Chico interrupted my presentation and stated that none of PURE's concerns would be addressed.

Final Victory! Having lived through that dismal history, imagine what a thrill it was for PURE and other parents involved in the complaint to receive letters from OCR last week detailing the real, meaningful changes that were added to the revised policy, and the further clarifications worked out between CPS and OCR. Please see the next page for details of the changes.

THANKS to so many!!! We are so grateful for the intervention of the Office for Civil Rights, and thank the U.S. Department of Education for their leadership in the area of student testing.

Thank you to all the parents who have stood up publicly on this issue, in many cases despite threats and harassment from school system employees.

Thank you to the teachers who have been brave enough to appear on PURE-TV shows and invite us to their schools to speak to parents about the problems with the Iowa test.

Thank you to our membership, our funders, and other supporters who have kept us going even as CPS has waged a public hate campaign against us for standing up to them on this issue.

The greatest thanks... Above all, we thank our attorney, Elaine Siegel, who has provided us with the most expert assistance, with days of intensive work writing letters, doing research, and keeping up with OCR. We could not have done this without her expertise, and without her sacrifice of paying work to do this with us for free.

Next steps: There is no time to rest on our laurels... we have more challenges ahead of us. This policy is far from sound or comprehensible. It needs a lot more work.

If parents are to be ready to request a review of their children's academic progress based on a variety of evidence, as is their right under the new policy, they will need good information and training. PURE is committed to providing this support.

Finally, we will continue to promote what we believe is a far superior assessment and accountability plan, the New ERA Plan.
PURE FACT SHEET
Parents’ civil rights complaint forces major changes in CPS promotion policy

On September 25, 2000, the U.S. Department of Education’s Office for Civil Rights formally resolved the discrimination complaint filed on October 21, 1999, by Parents United for Responsible Education against the Chicago Public Schools’ student promotion policy. OCR’s year-long investigation and its negotiations with CPS to resolve PURE’s complaint forced major changes in the CPS policy. Parents are very pleased with this outcome which moves CPS away from a one-size-fits-all approach toward a fairer, more educationally-sound way to evaluate children’s academic progress.

What are some of the major revisions?

✓ Multiple measures now the standard
The revised policy states up front that all students in 3rd, 6th, and 8th grade “will be promoted to the next grade if they possess the knowledge and skills appropriate to their grade level as demonstrated by their performance on multiple measurements.”

✓ Flexibility for students within score range
The revised policy no longer requires students scoring within the CPS-set Iowa test score range to meet all seven additional criteria to be promoted; they will no longer be required to retake the Iowa test at the end of summer school.

✓ “Any evidence” may be used in review
The revised policy offers parents of students scoring below the CPS-set Iowa test score range the right to request exemption from retention through a review based on the seven stated criteria and “any other evidence of acceptable reading and math skills and knowledge.”

✓ Fair, clear waiver process
Under the revised policy, the waiver process must be "applied consistently throughout the District." A clear manual will be written for parents outlining the review process.

✓ Testing accommodations for LEP students.
The revised policy requires that any test and all test results used to determine promotion of limited English proficient students will be evaluated to assure that the test properly evaluates LEP students’ skills and knowledge.

✓ Curriculum and instruction alignment
The revised policy requires CPS to ensure “that there is a strong alignment between the tests and other assessment criteria, the curriculum, and the classroom instruction.”

What was the CPS policy and practice?

✗ Iowa test score as the standard
Under the 1999 policy, Iowa test cut-scores were an absolute barrier to promotion. While CPS has claimed to use multiple measures, those other criteria – attendance and grades – were simply additional barriers.

✗ Additional barriers for students within score range
The August draft policy revision laid out an additional seven broad criteria which a student in the CPS-set score range had to meet in order to be promoted.

✗ Most retentions based on test score alone
Under the 1999 policy, other information about a student with a reading or math score below the CPS-set cut-off points was rarely considered; the student was simply retained.

✗ Waiver process arbitrary and secretive
Under the 1999 policy, students at similar schools received widely varying numbers of waivers, without any clear reason for that variation. No guidelines for the review process were available to the public. Parents were left in the dark about why their child’s waiver request was approved or denied.

✗ Iowa test not validated for use with LEP students under the 1999 policy.

✗ Iowa test not aligned with Chicago learning standards
Educators and researchers repeatedly pointed out that the Iowa test is not aligned with either Chicago or Illinois learning standards.
Monitoring phase

OCR is monitoring CPS's compliance with the agreement. During the first year of monitoring, OCR intervened when CPS tried to enact different student evaluation criteria, and failed to provide the required parents’ manual when promised.

Most recently, PURE has kept an eye on the waiver process which has not yet been fully implemented. Our Summer, 2002, Tips and Updates carried this story:

Parents’ rights alert
Full review of student non-promotion decision

Parents, LSCs, did your child or a child you know receive a notice at the end of summer school stating that he or she will not be promoted to the next grade? PURE has learned that CPS has not been following the promotion policy which states that parents have a right to a review of any decision not to promote their child, and that the review must consider “any other evidence of acceptable reading and math skills and knowledge.”

In fact, parents heard quite the opposite from CPS - we know some were told flat out by the Office of Schools and Regions that asking for the review would not change the decision. The written report of the review that was given to some parents showed that only three criteria were considered - the summer school Iowa test scores, summer school grades, and the student’s grades, test scores, and attendance from the prior year. Even if summer school grades were good, the student could still be retained.

“Any other evidence of acceptable reading and math skills and knowledge” goes far beyond that narrow list. In their test manual, the publishers of the Iowa test itself suggest that test scores be supplemented by “classroom assessment data collected by the teacher over a period of months.” Parents may also have collected portfolios of student work. Yet they were not allowed to present this kind of evidence on behalf of their children.

PURE has brought this problem to the attention of Arne Duncan and the Office for Civil Rights (OCR) which continues to monitor the way CPS complies with its promotion policy. The revised policy was the result of a discrimination complaint PURE filed against CPS in 1999.

We are asking for the following in light of this failure to comply:

- that the parents of all students whose requests for waiver of the policy were denied be notified of their full rights under the policy and given the same opportunity for a complete review;
- that any report of a denial of a policy waiver include a detailed written explanation of why retention is in the best interests of the student in question, with evidence from research to support such a decision;
- that all of these reviews be completed in time for students to be enrolled in the appropriate grade level by the first day of school; and
- that a task force including the parents whose complaints have been filed with OCR, representatives from PURE, and our attorney, Elaine K. B. Siegel, be timely convened to review and recommend changes in the review procedures, including parental notification and review implementation, to assure compliance with the promotion policy.
A New Era

In June of 2001, Paul Vallas was fired from his job as Chicago Public Schools CEO. The reason given was a failure to raise test scores high enough. Live by the test score, die by the test score, apparently. The new leaders, CEO Arne Duncan, Board President Michael Scott, and Chief Education Officer Barbara Eason-Watkins, have a different, more progressive attitude towards just about everything related to our schools.

Some signs of progress: In June, 2002, the Chicago Tribune published a story which seemed to equate the use of multiple measures with "low standards." Duncan's editorial response to the Tribune sounded a lot like PURE.

Regarding the use of other factors besides ITBS scores in making promotion decisions, and referring to PURE's OCR complaint resolution, Duncan stated, "This change in policy, enacted two years ago, is consistent with recommendations of many leading educators and testing experts as well as the U.S. Department of Education, who all agree that for students in the middle range, other factors should be considered along with testing."

He went on to say, "My biggest problem with the article is the inappropriate and misleading headline, which says these 14,000 children 'flunked tests.' Nobody 'flunks' the Iowa Tests of Basic Skills; there is no such thing as a passing or failing grade. This is simply a system for measuring students against national averages, and this kind of language unfairly stigmatizes children" (Voice of the People, Chicago Tribune, 6/11/02).

In August, 2001, PURE's executive director met with Arne Duncan and recommended, among other things, that the APCs be shut down or moved into high school settings. Duncan said that it was too late to change the APCs in time for that fall, but by the fall of 2002, two of the original APCs were closed and three others moved into high schools.

PURE's work has helped raise the issue of high-stakes student testing in Chicago and across the nation; our story has been told on National Public Radio, in the Christian Science Monitor, Education Week, and The Nation.
Addenda

Letters, policies, and other documents related to PURE’s Office for Civil Rights complaint
Press Release November 22, 1999

CONTACT: Julie Woestehoff, PURE Executive Director tel. 312/461-1994

Parents' federal civil rights complaints against CPS' misuse of ITBS to move ahead

The Office for Civil Rights of the U. S. Department of Education has agreed to investigate the complaints of Parents United for Responsible Education on behalf of member parents against the Chicago Public Schools (CPS) use of ITBS scores alone to determine student promotion and retention.

In a letter dated November 18, 1999, and received today in the PURE office, Mr. Don Ray Pollar, Director of the Office for Civil Rights (OCR) Compliance Unit IV, stated:

"OCR has determined that you have provided sufficient information for OCR to initiate complaint resolution activities regarding your allegations of discrimination based upon race and national origin."

PURE and individual parents of CPS students filed discrimination complaints with the OCR on October 21, 1999, alleging that CPS' use of ITBS test scores as sole measures to determine student promotion and retention violates federal legal and civil rights laws and principles. PURE also alleges that the CPS waiver policy is arbitrary and discriminatory.

The CPS policy has resulted in the retention in grade of tens of thousands of students and has sent thousands more to alternative transition centers for students whose ITBS scores are below the ITBS cut score CPS has set for entrance to high school. PURE found that the enrollment of African-American and Latino students in transition centers is disproportionately high compared with their enrollment in the general school population, indicating a discriminatory effect of the CPS policy.

The OCR will now investigate PURE's allegations in order to determine if CPS has violated the law. PURE hopes that this investigation will bring to light data about student retention which CPS has refused to release, and will provide an impetus to revise the current CPS promotion policy so that it will become fair, appropriate, educationally-sound, encouraging of quality education, and non-discriminatory. Parents demand that the standards set for our children also meet high standards.
Ms. Julie Woesthoff  
Executive Director  
Parents United for Responsible Education  
407 S. Dearborn, #515  
Chicago, IL 60605  

Re: #05001012

Dear Ms. Woesthoff:

On October 21, 1999, the U.S. Department of Education, Office for Civil Rights (OCR), received your complaint filed against Chicago Public Schools, District #299 (District). As a recipient of Federal financial assistance from the U.S. Department of Education, the District is subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq. (Title VI), and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin. As a Federal agency responsible for enforcing this statute, OCR has jurisdiction over this complaint.

You alleged that the District’s promotion policy adversely affects African American, Hispanic and male students because the District relies solely on the scores a student earns on the Iowa Test of Basic Skills (ITBS) in determining whether the student may be promoted to the 4th, 7th or 9th grade.

OCR has determined that you have provided sufficient information for OCR to initiate complaint resolution activities regarding your allegations of discrimination based upon race and national origin. With respect to your allegation of sex discrimination, your consulting attorney stated in a conversation with OCR staff that the allegation is based on a general awareness that males perform poorly on standardized tests, along with anecdotal information based upon one African American male student and undocumented phone calls to the Complainant's office that seem to suggest males are disproportionately affected by the policy. Your consulting attorney acknowledged that you do not have any statistical information, records or documents to support your allegation. OCR has, therefore, determined that neither you nor your consulting attorney were able to provide a factual basis to support the allegation that male students are adversely affected by the District’s use of the ITBS. Consequently, OCR will not proceed to complaint resolution on the issue of sex discrimination and is closing the allegation as of the date of this letter.
OCR works to resolve complaints promptly and effectively. Jeffrey R. Turnbull, Senior Equal Opportunity Specialist, will contact you shortly to begin the complaint resolution process. If you have any questions, you may contact Mr. Turnbull at (312) 886-8413.

Sincerely,

[Signature]

Mr. Don Ray Pollar
Director
Compliance Unit IV
THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING RECOMMENDATIONS:

Adoption of a New Elementary School Promotion Policy.

PURPOSE: In accordance with the Children First Education Plan, the purpose of this policy is to provide the standards for promoting elementary school students. In providing these promotion guidelines, the Chicago Board of Education demonstrates its commitment to several key objectives: (1) the promotion of high educational standards for its students; (2) ensuring that there is consistency in the educational opportunities provided to all students; (3) implementation of a plan of system-wide monitoring to verify that the quality of instruction and type of instructional materials provided to students are calculated to achieve student mastery of the skills and knowledge which are assessed in making promotion decisions and (4) ensuring that the district's educational objectives are met in a fair and non-discriminatory manner.

PRESENT POLICY: The current policy, Board Report 99-0825-PO4, is hereby rescinded.

HISTORY OF BOARD ACTION: The Promotion Policy of the Chicago Board of Education has been successively codified in the following Board Reports:

77-212-12 (adopted July 13, 1977)
94-0323-PO1 (adopted March 23, 1994)
96-0327-PO1 (adopted March 27, 1996)
97-0827-PO6 (adopted August 27, 1997)
98-0923-PO2 (adopted September 23, 1998) and
99-0825-PO4 (adopted August 25, 1999)

1. ITBS-Score Standards Demonstrating Mastery of Reading and Mathematics Skills

Effective with the start of the 2000-2001 school year, students in the third, sixth and eighth grades ("the benchmark grades") will be promoted based upon their performance on the Iowa Test of Basic Skills (ITBS) and as relevant, the assessment of other factors described in Section 2 below.

Students at the benchmark grades whose scores are at or above the following levels and have passing classroom grades in reading and mathematics shall automatically be promoted to the next grade level:

<table>
<thead>
<tr>
<th>Grade</th>
<th>ITBS Score Range</th>
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<tbody>
<tr>
<td>8th Grade</td>
<td>8.0 or above</td>
</tr>
<tr>
<td>6th Grade</td>
<td>6.0 or above</td>
</tr>
<tr>
<td>3rd Grade</td>
<td>3.0 or above</td>
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</table>

2. Determination of Promotion for Students Scoring Below the ITBS Cut-Off Score

For students at the benchmark grades who score below the cut-off score set forth in Section 1, additional criteria will be reviewed, in conjunction with the ITBS score, to determine promotion to the next grade level. Consistent with the framework established for use of the ITBS, CPS has established a scoring range at each benchmark grade which, when examined in conjunction with other criteria, will be determinative of promotion to the next grade level.
Effective with the 2000-2001 school year, the acceptable score ranges on the ITBS at each of the benchmark grades shall be the following.

<table>
<thead>
<tr>
<th>Grade</th>
<th>ITBS Score Range</th>
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<td>2.4 - 3.0</td>
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</tbody>
</table>

In determining whether the promote students in benchmark grades to the next grade, the score on the ITBS will be considered in conjunction with the following criteria.

(a) classroom grades of "B" or better in reading and mathematics for the academic year;
(b) reading and mathematics unit tests;
(c) evaluation of the student's score on the Illinois Student Assessment Test (ISAT) or any state-sanctioned assessment the results of which can be timely desegregated for review;
(d) evaluation of the student's prior year score on the ITBS (i.e., attainment of a score in the previous year within the range indicative that the student mastered grade level material in reading and mathematics);
(e) the student's attendance during the academic year;
(f) the student's consistent completion of homework assignments during the academic year, and
(g) the student's conduct during the academic year (i.e., the absence of any significant disciplinary infractions).

The Office of Schools and Regions will develop and distribute a form on which a compilation of this information will be provided.

3. Determining Promotion

In June of each year, the total academic performance of students in the benchmark grades will be reviewed and promotion decisions will be made. The following methodology will be used for determining grade placement and whether summer school attendance is required.

Criteria

A. Students who achieve or exceed the minimum Iowa Tests of Basic Skills (ITBS) criterion score and have passing classroom grades in reading and mathematics.

B. Students who fall within the promotion criteria range and meet all five seven of the additional criteria listed above in (2(a)-(g)).

C. Students who fall within the promotion criteria range but have one or more deficits on the additional assessments.

D. Students who fall below the promotion criteria range, or have a failing final report card grade in reading or mathematics or have more than 20 days unexcused absences.

Action

Promote to next grade (No summer school).

Promotion to next grade (No summer school).

Promotion to next grade with satisfactory completion of mandatory summer school.

No promotion to next grade, retesting and evaluation for promotion in August based on ITBS score, satisfactory completion of summer school bridge, and attendance.
Based upon review of the above standards, students whose performance falls within criteria A - C above, shall be automatically promoted in June to the next grade level.

Students whose performance falls within category D will not be promoted in June and shall be required to attend mandatory summer school. At the conclusion of the summer school bridge program, the ITBS will be re-administered. Students whose scores fall within the range designated in Section 2, above, who have successfully completed summer school with attendance of 90% or better, will be promoted in August to the next grade level.

Students re-taking the ITBS in August whose scores fall below the minimum range scores set forth in Section 1 above, shall be retained at grade level.

**Eighth Grade Students.** In addition to the promotion criteria set forth in Section II, eighth grade students must pass the United States and State of Illinois Constitution tests in order to graduate. Limited English-proficient students may take the constitution test in English or it may be administered in their native language as deemed appropriate in the judgment of the classroom teacher.

Students who are 15 years of age or who will be 15 years of age before December 1st of the following school year and who have not successfully completed the summer bridge program will be assigned to a designated academic preparation center. The curriculum of the academic preparatory centers has been designed to provide extensive skills development in reading and mathematics in smaller classroom settings and the provision of other academic support. The ITBS will be administered to all students in academic preparatory centers in January of each year. Students obtaining ITBS scores with the range of 7.2 or 8.0 in reading and mathematics will be promoted to high school. No student assigned to an academic preparatory center will be promoted to high school before their second semester in attendance at the center.

**Students with Disabilities.** Students with disabilities are expected to master the general curriculum to the maximum extent possible with the use of supplementary aides and other services. The designated ITBS scores and other criteria used to determine promotion shall apply to students with disabilities unless the Individual Education Plan (IEP) contains modifications to either or both, the designated ITBS score required and other educational criteria reviewed.

Commencing with the 2000-2001 school year, the Chief Director of the Office of Specialized Services shall develop a plan under which periodic reviews of student IEP’s are conducted to ensure that promotion decisions for students with disabilities are made in conformance with their IEPs.

**Bilingual Students and English Language Learners.** English language learners (ELL) will complete the curriculum in their native language and/or English in accordance with Office of Language and Culture guidelines. In addition to the curriculum completed by all students in the Transitional Bilingual Education (TBE) program and in Transitional Program of Instruction (TPI), all such students will also complete the English as a Second Language (ESL) Program. In making promotion determinations regarding English language learners, the level of English proficiency for first and second year students shall not be considered.

The performance of first and second year ELL students will be evaluated in their home language and pursuant to ESL proficiency. In the third year, ELL students will be evaluated on their ELL and English language proficiency in classroom instruction. The student’s ITBS score will only be used for determining whether the student is ready to exit the bilingual education program to the general education program. ESL students will be evaluated primarily in ELL/English Arts proficiency with consideration given to specific assessments conducted in the home language. All promotion decisions will be based upon the policies and procedures adopted in Department of Language and Culture Guidelines, entitled “The Framework for Success.” First and second year ELL students will attend mandatory summer school based on examination administered in their home language. Third year ELL students will be required to attend summer school based upon teacher recommendations in reading, mathematics and ESL examinations administered in the English language/ESL and the home language.
Incoming Students. Students who were previously enrolled in other school districts who enroll in the District in grades 4, 7 and 9 shall be evaluated for appropriate grade placement.

4. System-Wide Monitoring of Instruction and Instructional Materials

The District affirms the critical importance of high quality classroom instruction and use of appropriate instructional materials in fostering student academic achievement. In particular, because student promotion decisions will evaluate, in addition to ITBS scores, classroom grades and attendance, the District will undertake the following steps to ensure that student achievement is maximized and that the utilization of the designated educational criteria is done in a manner that ensures consistency throughout the school system.

All schools must ensure that instruction is conducted at the correlative grade level for each grade. To promote accountability with this mandate, the Office of Schools and Regions and the Office of Accountability will implement a system for monitoring classroom instruction that will include random unannounced classroom visits conducted to confirm that instruction at grade level is occurring and that the assignment of student grades for classroom work is consistent with District Policy.

**Standardized Curriculum.** Effective no later than October, 15 of the 2000-2001 school year, in all elementary schools where aggregate student reading scores on the ITBS indicate that less than 50% of the schools students tested at or above national norms in reading, may shall be required to use a standardized reading curriculum provided by the Department of Curriculum and Instruction.

**Textbook Committee.** Effective with the start of the 2000-2001 school year, a district-wide Textbook Committee shall be created which will be chaired by the Chief Accountability Officer or his designee. It shall be the responsibility of the Textbook Committee to (1) develop district-wide textbook lists specifying recommended mathematics and reading texts; these lists will be developed by January, 2001; (2) the Committee may will mandate the use of specific mathematics and reading textboks to ensure the greatest possible correlation to grade level instruction and (3) the Committee shall develop procedures for effectively monitoring the purchase of textbooks and other instructional materials at the individual school level.

5. Support for Students Determined to be Academically at Risk

Consistent with its demonstrated record of providing a variety of supplemental programs and other academic support to all students and specifically those students deemed to be academically at risk (i.e., students who have a deficit in classroom grades and/or who have excessive unexcused absences), one or more of the following additional types of support may be provided: (1) mandatory attendance in an extended day ("Lighthouse") program; (2) required participation in after-school tutoring in a small group or on an individualized basis; (3) participation in a daily pullout class for remedial instruction in reading and/or mathematics and (4) provision of after-school assistance with homework assignments.

Recognizing the fact that facilitating academic achievement requires a cooperative effort between the student, parent and teacher, the District will implement the use of a "contract" developed for the student with the participation of the teacher(s), parent or guardian and the student. The contract will establish general progress objectives for the student each semester which will be reviewed weekly by the teacher(s) and provided to the parent or guardian with a requirement for sign-off by the parent. In addition, quarterly parent/student/teacher conferences will be held to discuss student progress.

Notwithstanding the availability of the foregoing services to students deemed at academic risk, the District is committed to providing individualized support to students who manifest chronic academic deficiencies even though they have received intensified support. For example, students who were enrolled in school for the first time at a late age or students who have consistently tested two years or more below grade level on the ITBS, often require individualized academic support. The District will provide such assistance, to the greatest extent possible, including conducting diagnostic testing when appropriate, in an effort to identify the impediments to student learning.
6. Parental Notification

Beginning with the first week of the school year and prior to October 1st of each school year, principals will be required to notify parents in writing of the promotion policy of the District. The policy will clearly articulate the right of a parent/guardian to seek review of the District’s determination not to promote a student. Copies of the policy will be distributed at every elementary school within the district.

At the end of the fifth week, fifteenth week, twentieth week, twenty-fifth week and thirtieth week, parents shall be notified in writing if their child is receiving a failing grade in reading or mathematics. Student assistance shall be provided in manner described in Section 5 above at the earliest point the child is identified as being at risk for obtaining a failing grade in either reading or mathematics. If the student receives a failing grade in reading or mathematics at the end of the twentieth week, notification must be sent to the student’s parent or guardian by certified mail. If the parent or guardian does not attend a Report Card pick up conference at the thirtieth week, notification must be sent to the parent by certified mail. Within ten days of the receipt of the ITBS scores, parents will be notified regarding whether their child will be promoted and whether summer school attendance is required.

If a student has accumulated 10 days of unexcused absence (including absence created by an out of school suspension), schools shall be required to notify the parent or guardian by certified mail that the student may be required to attend summer school. The same notification must be made, in writing, and via certified mail if the student reaches 15 days of unexcused absence. Final notification shall be given by certified mail if the student reaches 20 days of unexcused absence and has scored below the minimum ITBS score established for his/her grade level.

7. Request for Review of Promotion Determination

The District shall maintain a centralized process for determining whether any student whose performance falls below the promotion criteria range or who has more than 20 days unexcused absence should be exempted from the requirements of the promotion policy. As set forth in Section 6 above, parents/guardians shall be notified within ten days of receipt of the ITBS scores regarding if their child will not be promoted in June and is required to attend summer school. Within 10 calendar days from the date the ITBS scores are made available to the schools, a parent/guardian or the principal of the school which the student attends has the right to request review of the determination that the student not be promoted in June and is required to attend summer school. All such requests for review shall be in writing, and shall contain the following information: the cumulative grade card, attendance record and conduct information for the student. The request forwarded shall be directed to the Office of Schools and Regions, which will undertake review of the student’s performance, based upon the criteria established under this policy and shall notify the parent/guardian with five days of the decision to grant an exemption from this policy.

8. Assessment Validation and Maintenance of Data

The District will on a periodic basis, review use of the ITBS (or any other standardized assessment used), in part, as a factor in determining student mastery of reading and mathematics skills. The frequency of review will be determined based upon generally recognized educational standards. The evaluation will include review of the construct validity of the ITBS or other assessment used, test development, revisions and use implementation to ensure that testing measures are both accurate and appropriate for the knowledge bases measured and the student population for which the measures are obtained.
In addition, the District will maintain all testing data by race and national origin of test takers and shall annually review this data with regard to students who are promoted and retained pursuant to the requirements of the policy in order to ensure that there is no disparate impact created by operation of the policy. All such data shall be made available to any parent upon request.

Approved for Consideration

COZETTE BUCKNEY
Chief Education Officer

Respectfully submitted

PAUL G. VALLAS
Chief Executive Officer

Approved as to Legal Form

MARILYN F. JOHNSON
General Counsel
HAGER & SIEGEL, P.C.
Attorneys at Law
Suite 500
55 West Monroe Street
Chicago, Illinois 60603
September 1, 2000

Via Facsimile and U.S. Mail

Mr. Jeffrey Turnbull
Senior Equal Opportunity Specialist
United States Department of Education
Office for Civil Rights
111 North Canal Street, Suite 1053
Chicago, IL 60606

Re: Parents United for Responsible Education and Chicago Public Schools

Dear Mr. Turnbull:

On August 16, 2000, we submitted to you a demand on behalf Parents United for Responsible Education ("PURE"), in settlement of the above-captioned matter with respondent, Chicago Public Schools ("CPS"). In the interim, CPS has revised its Elementary School Retention Policy, modifying its usage of the Iowa Tests of Basic Skills ("Iowa Tests" or "ITBS"). A copy of the revision, dated August 23, 2000 ("Revised Policy" or "RP"), is enclosed.

Based on our preliminary review, it appears that the Revised Policy fails to resolve the illegaliities noted in our settlement demand. Among PURE's concerns are the following:

1. **The Revised Policy Continues The Unlawful Use Of The Iowa Tests As A Pass-Fail Barrier To Promotion**: The Revised Policy would replace current cut-scores with a band of "acceptable score ranges on the ITBS at each of the benchmark grades" for the current fixed cut-scores. RP, p. 2. Third-, sixth- and eighth-graders who score at or above the "acceptable score range" "shall be automatically promoted in June to the next grade level". RP, p. 3. Certain students would be required to attend summer school, unless they meet a variety of additional criteria. RP, pp. 2-3. However, students who fall below the cut-off of the "acceptable score range" continue to be retained, without regard to additional criteria: they "will not be promoted in June and shall be required to attend mandatory summer school. At the conclusion of the summer school bridge program, the ITBS will be re-administered. Students whose scores fall within the [acceptable score] range ...who have successfully completed summer school with attendance of 90% or
better, will be promoted in August to the next grade level. Students re-taking the ITBS in August whose scores fall below the minimum range scores...shall be retained at grade level.” (RP, p. 3, emphasis added.) Thus, the bottom of the “acceptable score range” continues to function as an exclusive, pass-fail cut-off, barring promotion to all students who fail to attain it.

2. The ITBS Is Not Validated For Use As A Pass-Fail Barrier For “High-Stakes” Promotion And Retention Decisions. The Revised Policy does nothing to cure the invalidity of the ITBS for use as a stand-alone barrier to promotion. Nor does it provide for the professional validation study that PURE demands. Section 8 of the Revised Policy provides for “review” and “evaluation” of the use of the Iowa Tests. RP, p. 5. It is important to note, however, that this “assessment validation” does not concern the usage of the Iowa Tests for promotion and retention decisions. On the contrary, Section 8 provides, “The District will on a periodic basis, review use of the ITBS (or any other standardized assessment used), in part, as a factor in determining student mastery of reading and mathematics skills.” RP, p. 5 (emphasis added). This is seriously misleading. The Iowa Tests are specifically designed for assessing student mastery of reading and mathematics skills, and have been validated for that purpose. What PURE contests is, instead, their usage with a fixed pass/fail cut-score, for high-stakes promotion and retention decisions. In this respect, CPS’s illegal practices continue unabated.

3. The Revised Policy Would Perpetuate The Use Of Arbitrary And Capricious Cut-Scores. There is no indication that CPS has developed its “acceptable score range” consistent with professional standards, supported by professionally acceptable evidence of their validity. There is no evidence of their fairness, validity, or reliability. It is not appropriately documented. CPS continues to violate the Guidelines, which relevantly provide, “[T]he reasonableness of the standard setting process and the consequences for students should be clearly and specifically documented for a given use.” Id.

4. The CPS Cut-Scores Are Inconsistent With The Standard Measurement Error For The Iowa Tests. The Revised Policy does nothing to cure the appalling inaccuracy of individual test scores on the ITBS.

5. The Revised Policy Does Not Provide For Waivers. There is no provision, under the Revised Policy, for any waiver of its application. Although Section 7 provided for a “review process,” this is misleading. The purported “review process” is limited to the criteria set forth in the Revised Policy. Since a test score above the cut is an absolute prerequisite to promotion under the Revised Policy, the promised “review” is illusory. For students scores below the cut-range on the Iowa Tests, any consideration of other
criteria is no longer in the picture. The goal of multiple measures of student academic performance is more elusive than ever.

PURE continues to review the Revised Policy and the above concerns do not exhaust PURE’s objections. Until these concerns are addressed, however, there can be no meaningful resolution of PURE’s charge of discrimination.

Very truly yours,

Elaine K.B. Siegel

encl
Chicago Public School Parents Win Major Changes in CPS Student Promotion Policy

U. S. Department of Education’s Office for Civil Rights resolves PURE complaint with major overhaul of CPS policy, ending sole reliance on Iowa test for promotion

Chicago—Today, Parents United for Responsible Education (PURE) announced a resolution to their year-old discrimination complaint filed with the Office of Civil Rights (OCR) of the U. S. Department of Education against the Chicago Public Schools (CPS) student promotion policy. OCR’s investigation of CPS, and its subsequent complaint resolution activities, resulted in major changes in the policy.

Those changes include an end to the use of Iowa test scores alone to judge the progress of any student, implementation of true multiple measures to evaluate student progress, and a fair review process which will be clearly communicated to parents. (See page 2 for detail of changes)

PURE filed the complaint with the OCR on October 21, 1999. They charged that the CPS elementary school student promotion policy using student scores on the Iowa Tests of Basic Skills as sole measures to determine promotion or retention had a discriminatory impact on African-American and Latino students.

PURE contended that the CPS policy violated federal legal and civil rights laws and principles. The policy has resulted in the retention in grade of tens of thousands of students and sent thousands more to segregated transition centers despite decades of solid research that retention does not help, and often hurts students. The drop out rate of twice-retained eighth graders in CPS is 29%. African-American and Latino students in Chicago have been the most affected under this policy. For example, PURE showed that the enrollment of African-American and Latino students in the transition centers is disproportionately high compared with their overall enrollment city wide.

The resolution of PURE’s complaint is a precedent-setting outcome for the entire nation. High-stakes testing of public school children has swept across the country like an epidemic, and Chicago was one of the first places to catch the fever. Parents all over the nation have begun to protest the tests. They are looking for ways to protect their children from improper, discriminatory, and educationally-unsound testing practices. In fact, high-stakes testing is a major theme in the presidential election. The fact that parents in Chicago have been able to force changes in a bad policy will give hope to others. It will help other parents fight against high-stakes testing in their own state or district.

PURE is a citywide organization dedicated to improving the Chicago Public Schools. PURE is a resource for CPS parents for information, support, training, & advocacy. While there are many groups working on school reform in Chicago, PURE has a special role in focusing on issues from the parents’ point of view. PURE’s membership and constituency are multiracial, multi-cultural and economically diverse.

Parents United for Responsible Education
407 S. Dearborn #515 Chicago, IL 60605 Tel. 312/461-1994 Fax: 312/461-1927
pureparents@pureparents.org www.pureparents.org
September 7, 2000

Marilyn F. Johnson, Esq.
General Counsel
Chicago Public Schools, District #299
125 S. Clark Street
Suite 200
Chicago, IL 60603

Re: #05001012

Dear Ms. Johnson:

The purpose of this letter is to confirm our conversations of August 29, 2000, and September 7, 2000, during which you clarified the position of the Chicago Public Schools (District) regarding the implementation of its newly adopted promotion policy. As we discussed during our conversations, on August 23, 2000, the District's Board of Education adopted a revised elementary school promotion policy. We contacted you on August 29, 2000, and you clarified some important provisions of the policy.

In that conversation, you stated that all students who fall into the middle range of the promotion criteria (categories B and C in Section 3 of the policy) will be allowed to participate in their school's graduation ceremonies that are held in June of each year. You also clarified that "satisfactory completion" of summer school means that a student has to have a passing grade of A through D in the summer school program along with a 90% summer school attendance rate. Finally, you stated that there is no requirement for students who fall into the middle range of the promotion criteria (the B and C categories) to retake the Iowa Test of Basic Skills at the end of the summer school session in order to be promoted. In our conversation of September 7, 2000, you further clarified that all students will be allowed in August to request a prompt review, consistent with Section 7 of the policy, of the District's decision to retain the student in grade. The review in August to determine whether a student will be promoted to the next grade will be based upon information from multiple measures.

You also mentioned during our conversations that CPS wants to make the procedures adopted pursuant to the revised policy absolutely clear to students and parents/guardians. To that end, the District is currently revising its parents' manual that will be distributed in early Fall 2000. You indicated that you would like our office to review and comment on the draft manual.

Our mission is to ensure equal access to education and promote educational excellence throughout the nation.
We look forward to receiving the draft parents' manual when it is available. Meanwhile, please contact me as soon as you receive this letter if it does not represent the substance of your clarifying comments.

Thank you for your clarification and continued cooperation in this matter.

Sincerely,

[Signature]

Judith E. Levitt
Senior Civil Rights Attorney

VIA FACSIMILE and regular mail
Ms. Julie Woestehoff  
Executive Director  
Parents United for Responsible Education  
407 S. Dearborn, #515  
Chicago, IL 60605

Re: #05-00-1012

Dear Ms. Woestehoff:

This letter is to notify you of the disposition of the above-referenced complaint, which was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR). You alleged that the Chicago Public Schools, District #299 (District) subjects African American and Hispanic students to discrimination on the basis of race. In particular, you alleged that the District’s promotion policy adversely affects African American and Hispanic students because the District relies solely on the scores a student earns on the Iowa Test of Basic Skills (ITBS) in determining whether the student may be promoted to the 4th, 7th or 9th grade.

As a recipient of Federal financial assistance from the U.S. Department of Education, the District is subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq. (Title VI), and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin. As a Federal agency responsible for enforcing this statute, OCR has jurisdiction over this complaint.

During OCR's complaint resolution activities, on August 23, 2000, the District submitted to OCR its revised promotion policy, which will take effect beginning with the 2000-01 school year. The District also clarified several aspects of this policy in subsequent conversations with OCR. Copies of the District's revised promotion policy and OCR's September 7, 2000, letter describing the District's clarifications are enclosed.

OCR has determined that this revised and clarified promotion policy resolves the allegation in this complaint. The District has agreed to submit documentation to OCR to demonstrate that it is fully implementing the revised policy. If the District fails to fully implement the revised policy, then OCR will immediately reopen the case and resume its investigation of the allegation.

Our mission is to ensure equal access to education and promote educational excellence throughout the nation.
Please be advised that this letter is not intended and should not be construed to cover the District's status regarding any Title VI or other civil rights issues that may exist and are not specifically discussed herein.

If you have any questions regarding this matter, please do not hesitate to contact Don Pollar, Director, Compliance Unit IV, at 312/886-8419.

Sincerely,

Linda A. McGovern
Director
Chicago Office

Enclosures
cc: Elaine K.B. Siegel, Esq.
Mr. Paul G. Vallas  
Chief Executive Officer  
Chicago Public Schools, District #299  
125 South Clark Street, 5th Floor  
Chicago, Illinois 60603  

Re: #05-00-1012  

Dear Mr. Vallas:

This letter is to notify you of the disposition of the above-referenced complaint, which was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The Complainant alleged that the Chicago Public Schools, District #299 (District) subjects African American and Hispanic students to discrimination on the basis of race. In particular, the Complainant alleged that the District's promotion policy adversely affects African American and Hispanic students because the District relies solely on the scores a student earns on the Iowa Test of Basic Skills (ITBS) in determining whether the student may be promoted to the 4th, 7th or 9th grade.

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During OCR's complaint resolution activities, on August 23, 2000, the District submitted to OCR its revised promotion policy, which will take effect beginning with the 2000-01 school year. The District also clarified several aspects of this policy in subsequent conversations with OCR. Copies of the District's revised promotion policy and OCR's September 7, 2000 letter describing the District's clarifications are enclosed.

OCR has determined that this revised and clarified promotion policy resolves the allegation in this complaint. The District agreed to submit documentation to OCR to demonstrate that it is fully implementing the revised policy. The District also requested OCR to review the manual that it will distribute to parents in Fall 2000, advising them of the revised promotion policy and standards and describing the parental appeal procedures. Accordingly, OCR is
requesting the District to provide the draft manual to OCR as soon as it is available for review. OCR further requests the District to provide by June 30, 2001, a status report to OCR on the implementation of its policy.

Please be advised that this letter is not intended and should not be construed to cover the District's status regarding any Title VI or other civil rights issues that may exist and are not specifically discussed herein. Please be further advised that if the District fails to fully implement the revised policy, then OCR will immediately reopen the case and resume its investigation of the allegation.

OCR is pleased that the District and OCR could work together cooperatively to resolve the allegation. I wish to thank you and your staff for the cooperation extended to OCR during the course of our resolution of this complaint. If you have any questions regarding this matter, please do not hesitate to contact Don Pollar, Director, Compliance Unit IV, at 312/886-8419.

Sincerely,

Linda A. McGovern
Director
Chicago Office

Enclosures
AMEND BOARD REPORT 00-0823-PO3
RESCIND BOARD REPORT NO. 99-0825-PO4
AND ADOPT A NEW ELEMENTARY SCHOOL PROMOTION POLICY

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING RECOMMENDATIONS:

Adoption of a New Elementary School Promotion Policy.

PURPOSE: In accordance with the Children First Education Plan, the purpose of this policy is to provide the standards for promoting elementary school students. In providing these promotion guidelines, the Chicago Board of Education demonstrates its commitment to several key objectives: (1) the promotion of high educational standards for its students; (2) ensuring that there is consistency in the educational opportunities provided to all students; (3) implementation of a plan of system-wide monitoring to verify that the quality of instruction and type of instructional materials provided to students are calculated to achieve student mastery of the skills and knowledge which are assessed in making promotion decisions and (4) ensuring that the district's educational objectives are met in a fair and non-discriminatory manner.

PRESENT POLICY: The current policy, Board Report 99-0825-PO4, is hereby rescinded: The current policy, Board Report 00-0823-PO3, is being amended.

HISTORY OF BOARD ACTION: The Promotion Policy of the Chicago Board of Education has been successively codified in the following Board Reports:

77-212-12 (adopted July 13, 1977)
94-0323-PO1 (adopted March 23, 1994)
96-0327-PO1 (adopted March 27, 1996)
97-0827-PO6 (adopted August 27, 1997)
98-0923-PO2 (adopted September 23, 1998) and
99-0825-PO4 (adopted August 25, 1999)

1. Standards Demonstrating Mastery of Reading and Mathematics Skills

Effective with the start of the 2000-2001 school year, students in the third, sixth and eighth grades ("the benchmark grades") will be promoted to the next grade if they possess the knowledge and skills appropriate to their grade levels as demonstrated by their performance on multiple measurements including the Iowa Test of Basic Skills (ITBS) and, as appropriate, the assessment of other factors described in Section 2 below.

Students at the benchmark grades whose scores are at or above the following levels and have passing classroom grades in reading and mathematics shall automatically be promoted to the next grade level:

<table>
<thead>
<tr>
<th>Grade</th>
<th>ITBS Score Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>8th Grade</td>
<td>8.0 or above</td>
</tr>
<tr>
<td>6th Grade</td>
<td>6.0 or above</td>
</tr>
<tr>
<td>3rd Grade</td>
<td>3.0 or above</td>
</tr>
</tbody>
</table>
2. Determination of Promotion for Students Scoring Below the ITBS Cut-Off Score

For all students at the benchmark grades who score below the cut-off scores set forth in Section 1, additional criteria will be reviewed automatically by the Office of Schools and Regions Chief Education Officer or her designee as set forth in Section 3 below, in conjunction with the ITBS score, to determine promotion to the next grade level. Consistent with the framework established for use of the ITBS, CPS has established a scoring range at each benchmark grade which, when examined in conjunction with other criteria, will be determinative of promotion to the next grade level.

Effective with the 2001-2002 2000-2001 school year, the acceptable score ranges on the ITBS at each of the benchmark grades shall be the following.

<table>
<thead>
<tr>
<th>Grade</th>
<th>ITBS Score Range</th>
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<tbody>
<tr>
<td>9th Grade</td>
<td>7.2 - 8.9</td>
</tr>
<tr>
<td>8th Grade</td>
<td>5.2 - 6.6</td>
</tr>
<tr>
<td>7th Grade</td>
<td>2.4 - 3.6</td>
</tr>
</tbody>
</table>

In determining whether to promote students in benchmark grades to the next grade, the current and prior year's scores on the ITBS will be considered in conjunction with the following criteria to determine whether the student has achieved mastery at the appropriate grade level in math and reading:

- (a) classroom grades of "B" or better in reading and mathematics for the academic year;
- (b) passing reading and mathematics unit test scores;
- (c) evaluation of the student's score on the Illinois Student Assessment Test (ISAT) or any state-sanctioned assessment the results of which can be timely disaggregated for review, and which demonstrate the students' competencies in math and reading at the appropriate grade level range;
- (d) evaluation of the student's prior year score on the ITBS (i.e., attainment of a score in the previous year within the range indicative that the student mastered grade-level material in reading and mathematics);
- (e) (c) the student's attendance during the academic year at a rate of 90% or better;
- (f) (d) the student's consistent completion of homework assignments during the academic year; and
- (g) (e) the student's conduct during the academic year (i.e., the absence of any significant disciplinary infractions).

The Office of Schools and Regions Chief Education Officer or her designee will develop and distribute to the schools a form on which a compilation of this information will be provided and the promotion and review process conducted by the Office of Schools and Regions Chief Education Officer or her designee will be described.

3. Determining Promotion

In June of each year, the total academic performance of students in the benchmark grades will be reviewed and promotion decisions will be made. The following methodology will be used for determining grade placement and whether summer school attendance is required.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Students who achieve or exceed the minimum Iowa Tests of Basic Skills (ITBS) criterion score and have passing classroom grades in reading and mathematics.</td>
<td>Promote to next grade (No summer school).</td>
</tr>
</tbody>
</table>
B. Students who fall within the promotion criteria range and meet all seven five of the additional criteria listed above in (2(a)-e) (v).

C. Students who fall within the promotion criteria range but have one or more significant deficiencies on the additional assessments.

D. Students who fall below the promotion criteria range, or have a failing final report card grade in reading or mathematics or have more than 20 days unexcused absences.

Promotion to next grade with satisfactory completion of mandatory summer school.

Promotion to next grade with satisfactory completion of mandatory summer school.

Promotion to next grade only with retesting and evaluation for promotion in August based on ITBS score, satisfactory completion of summer school, and attendance at a rate of 90% or better.

Based upon review of the above standards, students whose performance falls within criteria A - C above, shall be automatically promoted in June to the next grade level.

Subject to review described in Section 7, below, students whose performance falls within category D will not be promoted in June and shall be required to attend mandatory summer school. At the conclusion of the summer school bridge program, the ITBS will be re-administered. Students whose scores fall within the range designated in Section 2, above, who have successfully completed summer school with attendance of 90% or better, will be promoted in August to the next grade level.

Subject to review described in Section 7, below, students re-taking the ITBS in August whose scores fall below the minimum range scores set forth in Section 1 above, shall be retained at grade level.

A copy of the Review procedures described in Section 7, below, will be provided with all notices sent to parents informing them that the student must attend summer school and/or will be retained in grade.

**Eighth Grade Students.** In addition to the promotion criteria set forth in Section 2, eighth grade students must pass the United states and State of Illinois Constitution tests in order to graduate. Limited English-proficient students may take the constitution test in English or it may be administered in their native language as deemed appropriate in the judgment of the classroom teacher in consultation with other knowledgeable persons, including the parents.

Students who are 15 years of age or who will be 15 years of age before December 1st of the following school year and who have not successfully completed the summer bridge program will be assigned to a designated academic preparation center. The curriculum of the academic preparatory centers has been designed to provide intensive skills development in reading and mathematics in smaller classroom settings and to provide other academic support. The ITBS will be administered to all students in academic preparatory centers in January of each year. Students obtaining ITBS scores with the range of 7.2 to 8.0 7.4 to 7.9 in reading and mathematics will be promoted to high school. No student assigned to an academic preparatory center will be promoted to high school before their second semester in attendance at the center.

**Students with Disabilities.** Students with disabilities are expected to master the general curriculum to the maximum extent possible with the use of supplementary aides and other services. The designated ITBS scores and other criteria used to determine promotion shall apply to students with disabilities unless the Individual Education Plan ("IEP") contains modifications to the designated ITBS score required and/or other educational criteria to be reviewed.
Commencing with the 2000-2001 school year, the Chief Specialized Services Officer shall develop a plan under which periodic reviews of student IEP's are conducted to ensure that promotion decisions for students with disabilities are made in conformance with their IEPs.

**Bilingual Students and English Language Learners.** The District will evaluate test instruments and results of all limited English proficient students to ensure that the tests measure effectively the students’ knowledge and skills in math and reading. Accommodations will be provided, as appropriate, to limited English proficient test takers, as follows. English language learners (ELL) will complete the curriculum in their native language and/or English in accordance with Office of Language Culture and Early Childhood guidelines. In addition to the curriculum completed by all students in the Transitional Bilingual Education (TBE) program and in Transitional Program of Instruction (TPI), all such students will also complete the English as a Second Language (ESL) Program. In making promotion determinations regarding English language learners, the level of English proficiency for first and second year students shall not be considered.

The performance of first and second year ELL students will be evaluated in their home language and pursuant to ESL proficiency. In the third year, ELL students will be evaluated on their ELL and English language proficiency in classroom instruction. The student’s ITBS score will only be used for determining whether the student is ready to exit the bilingual education program to the general education program. All promotion decisions will be based upon the policies and procedures adopted in Department of Language Culture and Early Childhood Guidelines, entitled “The Framework for Success”. First and second year ELL students will attend mandatory summer school based on examinations administered in their home language. Third year ELL students will be required to attend summer school based upon teacher recommendations in reading, mathematics and ESL.

**Incoming Students.** Students who were previously enrolled in other school districts who enroll in the District in grades 4, 7 and 9 shall be evaluated for appropriate grade placement.

4. **System-Wide Monitoring of Instruction and Instructional Materials**

The District affirms the critical importance of high quality classroom instruction and use of appropriate instructional materials in fostering student academic achievement. In particular, because student promotion decisions will evaluate, in addition to ITBS scores, classroom grades and attendance, the District will undertake the following steps to ensure that student achievement is maximized, that the utilization of the designated educational criteria is done in a manner that ensures consistency throughout the school system, and that there is a strong alignment between the tests and other assessment criteria, the curriculum, and the classroom instruction.

All schools must ensure that instruction is conducted at the correlative grade level for each grade. To promote accountability with this mandate, the Office of Schools and Regions Chief Education Officer or her designee and the Office of Accountability will implement a system for monitoring classroom instruction that will include random unannounced classroom visits conducted to confirm that instruction at grade level is occurring and that the assignment of student grades for classroom work is consistent with District Policy.

**Standardized Curriculum.** Effective no later than October, 15 of the 2000-2001 school year, all elementary schools where aggregate student reading scores on the ITBS indicate that less than 50% of the school’s students tested at or above national norms in reading, may be required to use a standardized reading curriculum provided by the Department of Curriculum and Instruction.

**Textbook Committee.** Effective with the start of the 2000-2001 school year, a district-wide Textbook Committee shall be created which will be chaired by the Chief Accountability Officer or his designee. It shall be the responsibility of the Textbook Committee to: (1) develop district-wide textbook lists specifying recommended mathematics and reading texts; these lists will be developed by January, 2001; (2) the Committee may mandate the use of specific mathematics and reading textbooks to ensure the greatest possible correlation to grade level instruction and (3) the Committee shall develop procedures for effectively monitoring the purchase of textbooks and other instructional materials at the individual school level.
5. Support for Students Determined to be Academically at Risk

Consistent with its demonstrated record of providing a variety of supplemental programs and other academic support to all students and specifically those students deemed to be academically at risk (i.e., students who have a deficit in classroom grades and/or who have excessive unexcused absences), one or more of the following additional types of support may be provided: (1) mandatory attendance in an extended day ("Lighthouse") program; (2) required participation in after-school tutoring in a small group or on an individualized basis; (3) participation in a daily pullout class for remedial instruction in reading and/or mathematics and (4) provision of after-school assistance with homework assignments.

Recognizing the fact that facilitating academic achievement requires a cooperative effort between the student, parent and teacher, the District may implement the use of a "contract" developed for the student with the participation of the teacher(s), parent or guardian and the student. The contract will establish general progress objectives for the student each semester which will be reviewed weekly by the teacher(s) and provided to the parent or guardian with a requirement for sign-off by the parent. In addition, quarterly parent/student/teacher conferences will be held to discuss student progress.

Notwithstanding the availability of the foregoing services to students deemed at academic risk, the District is committed to providing individualized support to students who manifest chronic academic deficiencies even though they have received intensified support. For example, students who were enrolled in school for the first time at a late age or students who have consistently tested two years or more below grade level on the ITBS, often require individualized academic support. The District will provide such assistance, to the greatest extent possible, including conducting diagnostic testing when appropriate, in an effort to identify the impediments to student learning.

6. Parental Notification

Beginning with the first week of the school year and prior to October 1st of each school year, principals will be required to notify parents in writing of the promotion policy of the District. The policy will clearly articulate the right of a parent/guardian to seek review of the District's determination not to promote a student. Copies of the policy will be distributed at every elementary school within the district.

At the end of the fifth week, fifteenth week, twentieth week, twenty-fifth week and thirtieth week, parents shall be notified in writing if their child is in danger of receiving a failing grade in reading or mathematics. Student assistance shall be provided in manner described in Section 5 above at the earliest point the child is identified as being at risk for obtaining a failing grade in either reading or mathematics. If the student receives a failing grade in reading or mathematics at the end of the twentieth week, notification must be sent to the student's parent or guardian by certified mail. If the parent or guardian does not attend a Report Card pick up conference at the thirtieth week, notification must be sent to the parent by certified mail. Within ten days of the receipt of the ITBS scores, parents will be notified regarding whether their child will be promoted and whether summer school attendance is required. Consistent with Section 3, above, the notice will include a copy of the Review procedures.

If a student has accumulated 10 days of unexcused absence (including absence created by an out of school suspension), schools shall be required to notify the parent or guardian by certified mail that the student may be required to attend summer school. The same notification must be made, in writing, and via certified mail if the student reaches 15 days of unexcused absence. Final notification shall be given by certified mail if the student reaches 20 days of unexcused absence and has scored below the minimum ITBS score established for his/her grade level.
7. Request for Review of Promotion Determination

The District shall maintain a centralized process that is applied consistently throughout the District for determining whether any student whose performance falls below the promotion criteria range or who has more than 20 days unexcused absence should be exempted from the requirements of the promotion policy. As set forth in Section 6 above, parents/guardians shall be notified within ten days of receipt of the ITBS scores regarding if their child will not be promoted in June and is required to attend summer school. Within 10 calendar days from the date the promotion decision is communicated to the parents/guardian, a parent/guardian or the principal of the school which the student attends has the right to request review of the determination that the student not be promoted in June and is required to attend summer school. The review procedures will be provided to parents/guardians in writing consistent with Sections 3 and 6, above. All such requests for review shall be in writing, and shall contain the following information: the cumulative grade card, attendance record, conduct information and whether the student has a disability. If the parent/guardian does not have the information then the request for review should contain a statement describing the student’s grades, attendance and conduct. The request forwarded shall be directed to the Office of Schools and Regions, which will undertake review of the student’s performance, based upon the criteria established under Section 2 of this policy or any other evidence of acceptable reading and math skills and knowledge, and shall notify the parent/guardian with five days of the decision to grant an exemption from this policy.

8. Assessment Validation and Maintenance of Data

The District will on a periodic basis, review use of the ITBS (or any other standardized assessment used), in part, as a factor in determining student mastery of reading and mathematics skills. The frequency of review will be determined based upon generally recognized educational and testing standards. The evaluation will include review of the construct validity of the ITBS or other assessment used, test development, revisions and use implementation to ensure that testing measures are both accurate and appropriate for the knowledge bases measured and the student population for which the measures are obtained.

In addition, the District will maintain all testing data by race and national origin of test takers and shall annually review this data with regard to students who are promoted and retained pursuant to the requirements of the policy in order to ensure that there is no disparate impact based upon race or national origin created by operation of the policy. All such data shall be made available to any parent upon request.

Approved for Consideration

Barbara Eason-Watkins  Respectfully submitted
BARBARA EASON-WATKINS  ARNE DUNCAN
Chief Education Officer  Chief Executive Officer

Approved as to Legal Form

Marilyn F. Johnson  /s/
Marilyn F. Johnson
General Counsel
February 1, 2001

Mr. Don Ray Pollar
Director, Compliance Unit IV
Office of Civil Rights, U.S. Department of Education
111 N. Canal Street, Suite 1053
Chicago, IL 60606-7204

re: complaint #05001012

Dear Mr. Pollar:

This letter is a request for reconsideration of the settlement of the above-referenced complaint.

We ask for this reconsideration based on the following:

1) Several illegalities raised in our September 1, 2000, letter continue to remain unresolved in the August 23, 2000 CPS Revised Elementary School Promotion Policy, including the continued use of the Iowa test as a pass-fail barrier for many students, and the continued use of arbitrary and capricious cut-scores in making high-stakes decisions about students.

2) The waiver process in the Revised Policy places the burden of seeking a waiver or review of any retention decision on the parent, rather than making reviews mandatory in all cases where retention is threatened.

3) The "crystal clear" parent guide to the revised promotion policy which was promised under the resolution agreement was not prepared by fall, 2000, and has yet to appear. The objections we filed with your office in our letter of October 26, 2000, regarding the CPS "Parent Guide to the Elementary School Promotion Policy" have not been addressed. The new right of a parent to request a review of a non-promotion decision is hollow indeed of the district fails to provide the barest information, training, or outreach to parents.

We believe that the Chicago Public Schools has failed to bring its practices into conformity with Title VI of the Civil Rights Act of 1964, and has breached its agreement of the above-referenced complaint.

We appreciate your attention to this request for reconsideration. Please feel free to contact me with any questions.

Yours truly,

Julie Woestehoff
Executive Director

Parents United for Responsible Education
407 S. Dearborn #515  Chicago, IL  60605  Tel. 312/461-1994  Fax: 312/461-1927
www.pureparents.org  e-mail: pureparents@pureparents.org
Parents call on U.S. Office for Civil Rights to Reopen Investigation of Discrimination Complaint against the Chicago Public Schools

PURE claims recent CPS actions violate OCR complaint resolution agreement

Chicago, IL – Citing violations of a September 2000 agreement between the Chicago Public Schools and the Office for Civil Rights of the U. S. Department of Education, Parents United for Responsible Education filed a formal request today for a reopening of the federal investigation of discrimination in the district’s elementary student promotion policy. PURE’s request to reopen the investigation was prompted by several recent developments.

A new CPS proposal, the “Three-Pronged Plan” for increasing student achievement, announced on February 20, 2001, contains elements which violate the OCR agreement, such as setting vague new criteria for evaluating students, referred to in the plan as “at grade level,” “below grade level,” and “above grade level.” Because “grade level” on a nationally-normed test like the Iowa test is generally understood to mean “at the national average,” the CPS plan would affect all students who score below average, forcing them into remedial programs and putting them at risk of retention. This contradicts the agreement with OCR.

CPS has failed to provide the “absolutely clear” parent guide they promised under the OCR agreement. A clear guide is essential if parents are to exercise their rights to ask for a review of a decision to hold their child back. In light of the confusing new “grade level” barrier imposed by the “Three-Pronged Plan,” the lack of a parent guide is especially unfair.

An attached letter from PURE’s attorneys, Hager and Siegel, details these issues.

In its September 25, 2000, letter to CPS, OCR stated, “if the District fails to fully implement the revised policy, then OCR will immediately reopen the case and resume its investigation of the allegation.”

Today, PURE is calling on OCR to do just that, to use its authority to protect Chicago Public School children from a continued unfair and discriminatory policy.

More --------------
**Background**

PURE filed its original discrimination complaint against CPS on October 21, 1999. PURE charged that CPS's use of Iowa test scores as sole measures to determine student promotion violated federal legal and civil rights laws and principles. PURE provided evidence of the policy's discriminatory impact on Latino and African-American students. OCR agreed to investigate PURE's charges.

On August 23, 2000, the Chicago Board of Education approved major changes to the CPS elementary promotion policy. These included use of multiple measures of student progress, new guidelines for determining summer school and promotion assignments, and a new parental right to request a review of a student non-promotion decision based on criteria stipulated in the policy and "any other evidence of acceptable reading and math skills and knowledge." With these policy revisions and after CPS made certain specific clarifications of the policy to OCR, that agency determined that PURE's complaint was resolved.

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PURE is a citywide organization dedicated to improving the Chicago Public Schools. PURE is a resource for CPS parents for information, support, training, & advocacy. While there are many groups working on school reform in Chicago, PURE has a special role in focusing on issues from the parents' point of view. PURE's membership and constituency are multiracial, multi-cultural and economically diverse.
Mr. Don Ray Pollar  
Director, Compliance Unit IV  
Office of Civil Rights, U.S. Department of Education  
111 N. Canal Street, Suite 1053  
Chicago, IL 60606-7204  

Re: Parents United for Responsible Education and Chicago Public Schools,  
Complaint #05001012  

Dear Mr. Pollar:

Parents United for Responsible Education ("PURE"), by its attorneys Hager and Siegel, hereby requests that the Office for Civil Rights take further action in the above-referenced matter. In this case, originally filed October 21, 1999, PURE charged that the Chicago Public Schools ("CPS") unlawfully used the Iowa Tests of Basic Skills ("Iowa tests") to discriminate against Latino and African-American grade-school students. PURE put forth evidence that by using Iowa test scores as stand-alone, pass-fail barriers to promotion, CPS caused an unjustifiable disparate impact against Latino and African-American students. OCR then opened an investigation into these abusive practices.

To resolve the charge, on August 23, 2000, the Chicago Board of Education approved major changes to the CPS elementary promotion policy. (A copy of the August 23, 2000 promotion policy is attached as Exhibit A.) These included use of multiple measures of student progress, and new guidelines for determining summer school and promotion assignments. Importantly, the policy established a new parental right to request review of student non-promotion decisions based on criteria set forth in the policy, as well as "any other evidence of acceptable reading and math skills and knowledge." (Emphasis added.) It was anticipated that these measures would significantly mitigate the discriminatory disparate impact of the Iowa tests against minority students.

Unfortunately, recent developments indicate that CPS is violating the resolution agreement entered in this case. Our request that OCR enforce the agreement, reopen the investigation, or commence a new investigation, is based on the following facts:
CPS has developed a new program, the so-called “Three-Pronged Plan,” which conflicts with the August 2000 revised promotion policy, and puts CPS out of compliance with the resolution agreement.

On February 20, 2001, mere months after CPS revised its promotion policy, CPS announced a new program called the “Three-Pronged Plan” (attached as Exhibit B). The plan appears to conflict with the August 23, 2000, revised promotion policy, and to reintroduce discriminatory practices.

The Three-Pronged plan introduces an ambiguous measurement of student progress, which apparently conflicts with the multi-faceted assessment criteria laid out in the August 23, 2000 Policy. The Three-Pronged Plan indicates that students’ summer school status will be determined exclusively by whether or not they are performing at “grade level.” The term is not defined anywhere in the Three-Pronged Plan. The ambiguity of this terminology makes it impossible for schools, parents or students to know what is expected of students. It reintroduces an unfair level of arbitrariness into promotion decisions.

Consistent with general CPS usage, the term “grade level” refers to the midpoint on the “grade level equivalent” scale for the Iowa tests. This scale purports to translate the student’s Iowa test scores from percentiles or stanines into a fictive year and month of school performance. Thus, a student scoring in the 50th percentile would be deemed to be performing at “grade level” (e.g., eighth grade, seventh month). Students who perform above or below the 50th percentile are “above grade level” or “below grade level,” respectively.

In other words, if a student does not score in the top half of all Iowa test-takers nationally, he or she is not ranked at so-called “grade level” on their scale. Under the Three-Pronged Plan, the student would be plunged into remedial work, and threatened with retention.

It is important to recognize that the Iowa tests are not aligned with either the Illinois learning standards or the CPS curriculum. Iowa test scores do not tell us how much of the CPS curriculum a student has mastered. On the contrary, the Iowa tests merely tell where a CPS student ranks when compared to all the students tested nationwide, ranked on a scale of 1 to 100. Obviously enough, even if CPS students scored comparably to students nationwide, fully half would score “below grade level.”
It is cruelly deceptive for CPS to employ the “grade level” terminology to imply that students who receive scores below the 50th percentile on the Iowa tests have failed to master the academic skills for their grade level. Such a determination cannot be made from a single set of Iowa test scores. Nor is it defensible for CPS to condition promotion on a score in the top half of test performance for all American school children nationwide. Such an abusive practice, moreover, has a discriminatory disparate impact against African-American and Latino students. The plan indeed raises fundamental questions of due process.

The Three-Pronged Plan states that all 3rd and 6th grade students who are not at “grade level” must attend summer school at their elementary school, and that 8th grade students who are “below grade level” must attend a summer program at “their prospective high school.” This flatly contradicts the Revised Policy, which states that eighth grade students scoring 8.0 and above will not be required to attend summer school. (8.0 falls below the 50th percentile on the Iowa scale.)

2) Public statements by CPS officials call into question their intention to implement the Revised Policy.

CPS Chief Executive Officer Paul Vallas has publicly stated that, under the Three-Pronged Plan, the promotion status of eighth grade students scoring “below grade level” may be considered “provisional” (February 20, 2001 press conference). This suggests that eighth graders scoring 8.0 (which is below the 50th percentile for eighth graders) may not graduate, after all-- whether or not they can demonstrate mastery of the relevant skills. This would directly contradict the Revised Policy.

3) CPS has failed to provide parents with the clear guidebook referred to in OCR resolution.

As part of the complaint resolution, CPS promised to provide an “absolutely clear” parent guide to the revised promotion policy. This was not prepared by fall, 2000, as promised. It has yet to appear at this late date in the school year.

In a letter to your office of October 26, 2000, PURE raised additional objections regarding the CPS “Parent Guide to the Elementary School Promotion Policy.” These problems have yet to be addressed. (A copy of the October 26, 2000 letter is attached as Exhibit C.) The new right of a parent to request a review of a non-promotion decision, and to introduce available
evidence of academic proficiency, is meaningless if the CPS fails to provide the barest information, training, or outreach to parents.

Furthermore, in light of the ambiguous new “grade level” barrier referred to in Three-Pronged Plan, a parent guidebook is even more essential. The lack of the promised guidebook is grossly unfair.

4) Ongoing Violations of the Law Require Investigation.

In our letter to you of September 1, 2000, PURE pointed out several violations of the law that the OCR Resolution had failed to address. (A copy of the September 1, 2000, letter is attached as Exhibit D.) These include the following: Even under the Revised Policy, CPS continues to use the Iowa Tests as a pass-fail barrier for many students. CPS continues to use arbitrary and capricious cut-scores in making high-stakes decisions about students. The waiver process promised in the Revised Policy improperly places on the parent the burden of seeking a waiver or review of any retention decision, rather than making reviews mandatory in all cases where retention is threatened.

As set forth above, CPS has failed to bring its practices into conformity with Title VI of the Civil Rights Act of 1964. It has breached the resolution agreement regarding the above-referenced complaint.

We appreciate your attention to this request for reopening of the investigation of our complaint. Please feel free to contact me with any questions.

Yours truly,

Elaine K.B. Siegel

EKBS/tjb

Attachments
March 20, 2001

VIA MESSENGER

Mr. Don Ray Pollar, Director
United States Department of Education
Office of Civil Rights
Compliance Unit IV
111 North Canal Street, Suite 1053
Chicago, IL 60606

RE: Complaint #05001012
CPS Promotion Policy

Dear Mr. Pollar:

This letter is written in confirmation of a series of discussions which have occurred between Office of Civil Rights staff ("OCR") and the Chicago Board of Education ("Board"). These discussions concerned modifications to the Parent Guide to the Elementary School Promotion Policy, disseminated to all parents of elementary school students at the beginning of each school year.

In December, 2000, OCR and the Board agreed to various language changes in the Parent Guide. This correspondence serves as written confirmation that the following changes will be made in the next reprinting of the Parent Guide which will be available on or before May 21, 2001:

**Page 1 Section:**

**New Language:**

**Page 2 (Top of Page)**

Change first sentence to read "In June, students whose ITBS scores fall within the promotion range will automatically have their promotion status reviewed by the Office of Schools and Regions, based on the following additional criteria for the academic year.....(1)...(2)...."
March 20, 2001
Page 2

"Request for Review of Promotion Determination"

New Language:

Present language is changed to read as follows: If your child's scores fall below the promotion range in May or August, you or the principal may request a review of your child's promotion status. This request must be filed within 10 calendar days of the date your child's initial promotion status is communicated to you. Even if the principal does not agree with the request, your request will be forwarded to the Office of Schools and Regions for consideration.

If you wish to request a review of your child's promotion status, you must do so in writing (you may use the Request for Review Form) and submit your request to the school. You should include the following information with the request (if you do not have this information, the school office will assist you in retrieving it):

- your child's cumulative grade card or a statement describing your child's grades;
- your child's attendance record or a statement describing your child's attendance;
- your child's conduct record or a statement describing your child's conduct;
- a statement if your child has a disability; and
- any other evidence that you have of acceptable reading and math skills and knowledge by your child (such as grades, unit test scores, homework, and other test scores).

The Office of Schools and Regions will make a decision on the request and will notify you of the decision within five days of receipt of the request.

August Request Process

At the end of summer school, parents will be notified if their child is not being promoted. At this time, parents can request a review of the promotion decision. The same procedures and timeframes will apply to the August request process as to the June process.

If you have any questions about this policy or need more information, please call the Office of Schools and Regions, (773) 553-2150.
March 20, 2001

Page 3

Please also note that we will modify the promotion policy reference pamphlet used by the schools in a manner consonant with the foregoing changes to the Parent Guide.

If these changes do not comport with our agreement, kindly advise me at your earliest opportunity. As always, thank you for your continued cooperation with regard to this matter.

Sincerely,

Marilyn F. Johnson
General Counsel
Chicago Board of Education

MFJ:bw

cc: Dr. Blondean Davis
Ms. Elaine K.B. Siegel  
Hager and Siegel  
55 W. Monroe Street  
Suite 500  
Chicago, IL 60603  

Re: #05-00-1012  

Dear Ms. Siegel:  

I am writing to respond to your recent letter to the U.S. Department of Education, Office for Civil Rights (OCR), regarding the above-referenced complaint that was filed on October 21, 1999, by Parents United for Responsible Education (PURE) against the Chicago Public Schools (District). In your letter, you expressed concern about the District's newly developed "Three Pronged Plan" (Plan). You stated in your letter that the Plan conflicts with the District's newly revised promotion policy, which, when adopted, resolved your complaint against the District. You further stated in your letter that the Plan conflicts with the District's parent guide to the promotion policy. On these bases, you asked OCR to re-open its investigation of the October 1999 complaint.  

Please be advised that OCR is reviewing your concerns in light of its ongoing monitoring of the District in this case. OCR has been in contact with the District and will obtain information necessary to examine your concerns. OCR will continue to keep you and your client, PURE, informed of any developments.  

If you have any questions regarding this matter, please do not hesitate to contact Jeffrey Turnbull, Senior Equal Opportunity Specialist, at (312)-886-8413 or Judith Levitt, Senior Civil Rights Attorney, at (312) 886-8404.  

Sincerely,  

[Signature]  
Don Pollar  
Director  
Compliance Unit IV  

Our mission is to ensure equal access to education and promote educational excellence throughout the nation.
**Spring 2001 revision**

**REQUEST FOR REVIEW OF PROMOTION DETERMINATION**

If your child's scores fall below the promotion range in May or August, you or the principal may request a review of your child's promotion status. This request must be filed within 10 calendar days of the date your child's initial promotion status is communicated to you. Even if the principal does not agree with the request, your request will be forwarded to the Office of Schools and Regions for consideration.

If you wish to request a review of your child's promotion status, you must do so in writing (you may use the Request for Review Form) and submit your request to the school. You should include the following information with the request (if you do not have this information, the school office will assist you in retrieving it):

- your child's cumulative grade card or a statement describing your child's grades;
- your child's attendance record or a statement describing your child's attendance;
- your child's conduct record or a statement describing your child's conduct;
- a statement if your child has a disability; and
- any other evidence you have of acceptable reading and math skills and knowledge by your child (such as grades, unit test scores, homework, and other test scores).

The Office of Schools and Regions will make a decision on the request and will notify you of the decision within five days of receipt of the request.

**AUGUST REQUEST PROCESS**

At the end of summer school, parents will be notified if their child is not being promoted. At this time, parents can request a review of the promotion decision. The same procedures and time frames will apply to the August request process as to the June process.

If you have any questions about this policy or need information, please call the Office of Schools and Regions at (773) 553-2150.

---

**Fall 2000 version**

**REQUEST FOR REVIEW OF PROMOTION DETERMINATION**

Students whose ITBS scores fall within the promotion range will automatically have their promotion status reviewed. Principals will complete the Request for Review Form, obtain the parent/guardian's signature, and submit the form to the Office of Schools and Regions, where the final determination will be made. Within 10 calendar days of the receipt of the ITBS scores, the parent/guardian will be notified if the child will not be promoted in June and/or if the child is required to attend summer school. The parent/guardian or the principal may also request a review of the promotion status for students who score below the promotion range. Within 10 calendar days of the date that the initial promotion status is communicated to the parent/guardian, a parent/guardian or the principal of the school which the student attends has the right to request a review. The Request for Review Form must be signed by the parent/guardian and principal and submitted to the Office of Schools and Regions, where a final promotion determination will be made. The parent/guardian will be notified of the final promotion determination within five days of the decision.
May 17, 2001

Mr. Don Ray Pollar
Director, Compliance Unit IV
Office of Civil Rights, U.S. Department of Education
111 N. Canal Street. Suite 1053
Chicago, IL 60606-7204

re: complaint #05001012

Dear Mr. Pollar:

We wish to thank you and your staff for your continued monitoring of the Chicago Public Schools' compliance with the resolution agreement of the above-referenced complaint.

We have received some disturbing information which has a direct bearing on the integrity of the review process that is now a part of the CPS promotion policy revised as a part of this complaint resolution.

We have learned that there is an unwritten but closely enforced systemwide policy mandating that teachers may not give students any grade higher than a “C” on the current year’s report card in any subject in which that student scored below “grade level” on the Iowa test the prior spring.

This grading policy was made public by a CPS teacher on the WBEZ radio show, “Testing, What Does it Teach Us?” which aired Monday, May 14 at 7 pm and verbally confirmed for me by a retired CPS principal in a telephone conversation today. I have been told that the policy is communicated to principals at regional principals' meetings rather than in writing.

This policy creates a vicious catch-22. A low test score in spring pre-determines a low classroom grade in that subject the following year. The students’ actual classroom work has no bearing on the report card grade. This completely undermines the validity of the “additional criteria” which CPS claims it is reviewing in cases where students score below an acceptable level on the Iowa test. We would also suggest that it is a fraudulent grading system.

We believe that this grading policy should be investigated as a part of your ongoing monitoring of CPS under the resolution agreement. We would appreciate your attention to this serious matter. Please feel free to contact me with any questions.

Yours truly,

Julie Woestehoff
Executive Director

Parents United for Responsible Education
407 S. Dearborn #515 Chicago, IL 60605 Tel. 312/461-1994 Fax: 312/461-1927
pureparents@pureparents.org www.pureparents.org
Ms. Julie Woestehoff
Executive Director
Parents United for Responsible Education
407 S. Dearborn, #515
Chicago, IL 60605

Re: #05-00-1012

Dear Ms. Woestehoff:

I am writing to respond to your recent letters to the U.S. Department of Education, Office for Civil Rights (OCR), regarding the above-referenced complaint that was filed on October 21, 1999, by Parents United for Responsible Education against the Chicago Public Schools (District). In your letters, you raised concerns about the grading practices in the District; you said teachers may not give students who score below grade level on the ITBS a grade higher than “C.”

Please be advised that OCR is reviewing your concerns in light of its ongoing monitoring of the District in this case. OCR will continue to keep you informed of any developments. If you have any questions regarding this matter, please do not hesitate to contact Jeffrey Turnbull, Senior Equal Opportunity Specialist, at (312) 886-8413.

Sincerely,

Don Pollar
Director
Compliance Unit IV
Previous CPS elementary promotion policies
CHICAGO PUBLIC SCHOOLS

ELEMENTARY PROMOTION POLICY HIGHLIGHTS
SCHOOL YEAR 2000-2001

Historically, the Promotion Policy has evolved, raising the standards each year and, at the same time, expanding the criteria for promotion. For elementary graduation the following minimum standard on ITBS has been used in June.

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Starting in June of 2001, students will automatically be promoted in June if their ITBS scores for grades three, six, and eight are:

- Grade 8 – 8.0
- Grade 6 – 6.0
- Grade 3 – 3.0

Students falling within the following range in June will participate in a review process. The range is:

- Grade 8 – 7.2 to 7.9
- Grade 6 – 5.2 to 5.9
- Grade 3 – 2.4 to 2.9

The review would look at the following factors before making a final determination:

- Classroom grades of B or better in Reading and Math
- Passing grades on Reading and Math unit tests aligned with the textbook series
- Student attendance of 90% or better
- Consistent completion of the homework during the school year
- Student conduct
- ISAT results providing timely availability of scores
- Prior ITBS scores

Students falling within the range and successfully completing the review process would attend mandatory summer school. The eighth grade students would participate in graduation in June but entrance into high school would be determined by successfully completing the summer program.

Students falling below the range would need to request a review using the above mentioned factors as a determination of promotion.

CPS will develop a district wide textbook list, to ensure at-level instruction and uniformity of the curriculum so that all students continue to have equal access to high standards of learning.
THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING RECOMMENDATION:

Amend Adopt the Elementary School Promotion Policy.

PURPOSE: Consistent with the Children First Education Plan, the purpose of this policy is to provide rules for promoting elementary students and to update and expand the Summer School Bridge Program for third, sixth, and eighth grade students. This policy also provides guidelines for promoting special education and limited-English proficient students, and it outlines intervention/remediation and parental notification procedures.

PRESENT POLICY: The current policy, Board Report 96-0828-P04 "New Elementary School Promotion Policy," is hereby amended rescinded with the approval of this policy.

HISTORY OF BOARD ACTION:
Board Report 77-212-12, July 13 1977: "Promotion Policy, K-12"
Board Report 94-0323-P01, March 23, 1994: "Elementary School Promotion Policy, Kindergarten-Grade 8"
Board Report 96-0327-P01, March 27, 1996: "Policy for Elementary School Promotion"
New Elementary School Promotion Policy (96-0828-P04)

POLICY TEXT:

ELEMENTARY SCHOOL PROMOTION POLICY

Decisions to promote or retain elementary students should be based upon successful completion of the curriculum and performance on the Iowa Test of Basic Skills. Students at grades three, six, and eighth are subject to the special considerations listed below in the Summer School Bridge Program. Retention of students is not recommended or encouraged unless efforts at remediation of academic deficiencies have been unsuccessful. It is recommended that kindergarten students should not be retained.

Summer School Bridge Program. Third, sixth and eighth grade students will be promoted based on their performance on the Iowa Test of Basic Skills (ITBS) and their grades in reading and mathematics. The following stipulations listed below must be followed considered.

• Third grade students who are more than one year below grade level in reading or mathematics on the ITBS or who receive a failing grade in either reading or mathematics will not be promoted to the fourth grade until they have successfully completed a six-week summer school bridge program. Students who do not successfully complete the summer program will be retained in grade three.

• Sixth grade students who are more than one and a half years below grade level in reading or mathematics on the ITBS or who receive a failing grade in either reading or mathematics will not be promoted to the seventh grade until they have successfully completed a six-week summer school bridge program. Students who do not successfully complete the summer program will be retained in grade six.
• Eighth grade students who score below 7-9 7.2 in reading or mathematics on the ITBS or who receive a failing grade in either reading or mathematics will not graduate nor participate in graduation exercises and related activities until they have successfully completed a seven-week summer school bridge program. Students who successfully complete the summer bridge program will graduate at the conclusion of the summer session. Students who do not successfully complete the summer program will not receive an elementary school diploma. Students who failed to successfully complete the summer bridge program who are 15 years of age or will be 15 years of age before December 1st will be issued a Certificate of Transition and will be assigned to a designated region transition attendance center. The curriculum of these centers will be designed to provide basic skills development in Reading and Mathematics and will address all other elementary school graduation requirements. The Iowa Test of Basic Skills will be administered to these students in January. Students must score 7-9 7.2 in reading and mathematics in order to be promoted to high school. The earliest these students will be eligible for promotion to high school is their second semester at the regional attendance transition center.

Incoming students to the Chicago Public Schools to grades: fourth, seventh and ninth, previously enrolled in other school districts, shall be tested, as appropriate for grade placement using the ITBS.

Student attendance. Students in grades 3, 6, and 8 with achievement scores below the national average for their grade level and with more than 20 days of unexcused absence including caused by out of school suspensions will be required to attend summer school.

Parental Notification. Beginning with the first day of the school year and prior to October 1st of each school year, principals will be required to notify parents in writing of the promotion policy of the Chicago Public Schools. Copies of the policy will be made available to schools for distribution.

At the end of the fifth week, fifteenth week, twentieth week, twenty-fifth week, and thirtieth week, parents must be notified in writing if their child is receiving a failing grade in Reading or Mathematics. If the child receives a failing grade in Reading or Mathematics at the end of the twentieth week, notification must be sent to the home via certified mail. If the parent does not come in for a conference at Report Card pickup at the thirtieth week, notification must be sent to the parent via certified mail. Within five days of the receipt of the Iowa Test of Basic Skills results parents must be notified in writing if their child will be required to attend mandatory summer school.

Schools are also required to notify parents via certified mail that their student may be required to attend summer school as soon as that student has reached 10 days of unexcused absences, including absence caused by out of school suspension. The same notification must be made after 15 days of such absences. Final notification must also be given that a student will be required to attend summer school once that student has reached 20 days of such absences and has scored below the national average on the ITBS Reading and/or Mathematics tests.

Special Education Students. Students in special education programs will complete the curriculum to the maximum extent possible. In promoting and graduating these students, the school shall use the objectives and expectations that have been modified according to the students’ Individualized Education Program (IEP).
Limited-English Proficient (LEP) Students. Limited-English proficient students will complete the curriculum in their native language and/or English in accordance with the Implementation Handbook for Bilingual Education Programs in the Elementary Schools. In addition to the curriculum that all students complete, the limited-English proficient student will also complete the English as a Second Language (ESL) curriculum. In making promotion and graduation decisions regarding students of a non-English language background, the school shall not consider the student’s level of English proficiency. Category A and Category B students will be evaluated on performance in the native language. Category C students will be evaluated on performance in the native language and in English in accordance with exit criteria found in the Implementation Handbook for Bilingual Education Programs in the Elementary Schools. All promotion decisions will be based on the policies and procedures outlined in the Implementation Handbook for Bilingual Education Programs in the Elementary Schools. Category A and Category B students will be required to attend summer school based upon examinations given in their native language. Category C students will be required to attend summer school based upon examinations given in their native language and in English.

Eighth Grade Graduation. Eighth grade students must pass the United States and State of Illinois Constitution tests to be graduated. Limited-English-Proficient students may take the constitution tests in English or in their native language, as determined by teacher judgment.

Intervention and Remediation. When a student is in danger of not being promoted, the school will provide intervention and/or remediation. Intervention will involve using a number of alternative instructional strategies and techniques to meet the student’s needs and to provide opportunities for success, with an evaluation of progress every five weeks.

Exemptions and Appeals. Requests for exemptions to this policy may be made by the principal, taking into consideration a student’s past academic performance, and subject to the approval of the appropriate Region Education Officer. A decision to retain a student may also be appealed by a parent/guardian to the appropriate Region Education Officer.

EDUCATIONAL REVIEW:
A committee consisting of representatives from the Office of Schools and Regions, the Office of Policy, the Law Department, and the Chief Executive’s Office reviewed and developed this policy.

FINANCIAL REVIEW:
This policy has been reviewed by the Office of Management and Budget and the Office of Finance.

LEGAL REVIEW:
This policy has been reviewed and approved by the Law Department.

Approved for Consideration:  
Approved:  

LYNN ST. JAMES  
Chief Education Officer  

PAUL G. VALLAS  
Chief Executive Officer  

Noted:  

KENNETH GOTSCH  
Chief Fiscal Officer  

MARILYN F. JOHNSON  
Attorney  

Approved as to Legal Form:
AMEND ELEMENTARY SCHOOL PROMOTION POLICY

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING RECOMMENDATION:

Amend Elementary School Promotion Policy.

PURPOSE: Consistent with the Children First Education Plan, the purpose of this policy is to provide rules for promoting elementary students and to update and expand the Summer School Bridge Program for third, sixth, and eighth grade students. This policy also provides guidelines for promoting special education and limited-English proficient students, and it outlines intervention/remediation and parental notification procedures.

PRESENT POLICY: The current policy, Board Report 96-0828-PO4 97-0827-PO6 Amend Elementary School Promotion Policy,” is hereby amended

HISTORY OF BOARD ACTION: Board Report 77-212-12, July 13, 1977: “Promotion Policy, K-12”
Board Report 94-0323-PO1, March 23, 1994: “Elementary School Promotion Policy, Kindergarten-Grade 8”
Board Report 96-0327-PO1, March 27, 1996: “Policy for Elementary School Promotion”
Amend Elementary School Promotion Policy (97-0827-PO6)
Amend Elementary School Promotion Policy (98-0923-PO2)

POLICY TEXT:

ELEMENTARY SCHOOL PROMOTION POLICY

Decisions to promote or retain elementary students should be based upon successful completion of the curriculum and performance on the Iowa Tests of Basic Skills. Students at grades three, six, and eight are subject to the special considerations listed below in the Summer School Bridge Program. Retention of students is not recommended or encouraged unless efforts at remediation of academic deficiencies have been unsuccessful. It is recommended that kindergarten students should not be retained.

Summer School Bridge Program. Third, sixth and eighth grade students will be promoted based on their performance on the Iowa Tests of Basic Skills (ITBS) and their grades in reading and mathematics. The stipulations listed below must be followed.

- **Third** grade students who are more than one year below grade level in reading or mathematics on the ITBS or who receive a failing grade in either reading or mathematics will not be promoted to the fourth grade until they have successfully completed a six-week summer school bridge program. Students who do not successfully complete the summer program will be retained in grade three.

- **Sixth** grade students who are more than one and a half years below grade level score below 5.5 in reading or mathematics on the ITBS or who receive a failing grade in either reading or mathematics will not be promoted to the seventh grade until they have successfully completed a summer school bridge program. Students who do not successfully complete the summer program will be retained in grade six.
Eighth grade students who score below 7.4 7.7 in reading or mathematics on the ITBS or who receive a failing grade in either reading or mathematics will not graduate nor participate in graduation exercises or related activities until they have successfully completed a summer school bridge program. Students who successfully complete the summer bridge program will graduate at the conclusion of the summer session. Students who do not successfully complete the summer program will not receive an elementary school diploma. Students who fail to successfully complete the summer bridge program who are 15 years of age or will be 15 years of age before December 1st will be assigned to a designated regional transition academic preparation center. The curriculum of these centers will be designed to provide basic skills development in reading and mathematics and will address all other elementary school graduation requirements. The Iowa Tests of Basic Skills will be administered to these students in January. Students must score 7.4 7.7 in reading and mathematics in order to be promoted to high school. The earliest these students will be eligible for promotion to high school is their second semester at the regional transition center.

Incoming students to the Chicago Public Schools to grades four, seven and nine previously enrolled in other school districts shall be evaluated appropriately for grade placement.

Student attendance. Students in grades 3, 6, and 8 with achievement scores below the national average for their grade level and with more than 20 days of unexcused absence including absence caused by out of school suspensions will be required to attend summer school.

Parental Notification. Beginning with the first day of the school year and prior to October 1st of each school year, principals will be required to notify parents in writing of the promotion policy of the Chicago Public Schools. Copies of the policy will be made available to schools for distribution.

At the end of the fifth week, fifteenth week, twentieth week, twenty fifth week, and thirtieth week, parents must be notified in writing if their child is receiving a failing grade in reading or mathematics. If the child receives a failing grade in reading or mathematics at the end of the twentieth week, notification must be sent to the home via certified mail. If the parent does not attend a Report Card pickup conference at the thirtieth week, notification must be sent to the parent via certified mail. Within five days of the receipt of the Iowa Tests of Basic Skills results parents must be notified in writing if their child will be required to attend mandatory summer school.

School are also required to notify parents via certified mail that a student may be required to attend summer school as soon as that student has reached 10 days of unexcused absence, including absence caused by out of school suspension. The same notification must be made after 15 days of such absences. Final notification must also be given that a student will be required to attend summer school once that student has reached 20 days of such absences and has scored below the national average on the ITBS reading and/or mathematics test.

Students with Disabilities. Students with disabilities are expected to master the general curriculum to the maximum extent appropriate with the use of supplementary aids and services. The IEP Team determines whether a student with disabilities is expected to meet the CPS promotion and graduation criteria or another criteria, which must be documented in the student’s Individualized Education Program (IEP).

Bilingual/English Language Learners. English Language Learners (ELL)* will complete the curriculum in their home language and/or English in accordance with the Language and Cultural Education guidelines. In addition to the curriculum that all students in Transitional Bilingual Education (TBE) program and Transitional Programs of Instruction (TPI) complete, all students (TBE/TPI) will also complete the English as a Second Language (ESL) curriculum. In making promotion and graduation
decisions regarding ELLs, the school shall not consider the level of English proficiency for the first and second year students.

First and Second year ELL students’ performance will be evaluated in their home language and ESL proficiency.

Third year ELL students’ performance will be evaluated primarily in ESL/English Language Arts proficiency, with consideration given to specific assessments given in the home language. All promotion decisions will be based on the policies and procedures pursuant to the new Language and Cultural Education guidelines. First and Second year ELL students’ will be required to attend summer school based upon examinations given in the home language. Third year ELL student will be required to attend summer school based upon examinations given in the English Language/ESL and the home language.

Eighth Grade Graduation. Eighth grade students must pass the United States and State of Illinois Constitution tests to be graduated. Limited-English-Proficient students may take the constitution test in English or in their native language, as determined by teacher judgment.

Intervention and Remediation. When a student is in danger of not being promoted, the school will provide intervention and/or remediation. Intervention will involve using a number of alternative instructional strategies and techniques to meet the student’s needs and to provide opportunities for success, with an evaluation of progress every five weeks.

Exemptions and Appeals. Request for exemptions to this policy may be made by the principal, taking into consideration a student’s past academic performance, to the appropriate Region Education Officer. A decision to retain a student may also be appealed by a parent/guardian to the appropriate Region Education Officer.

EDUCATIONAL REVIEW:
A Committee consisting of representatives from the Office of Schools and Regions, the Office of Policy, the Law Department, and the Chief Executive’s Office reviewed and developed this policy.

FINANCIAL REVIEW:
This policy has been reviewed by the Office of Management and Budget and the Office of Finance.

LEGAL REFERENCES:
This policy has been reviewed and approved by the Law Department.