

**AUTHORIZE AN NCLB FLEXIBILITY AGREEMENT
WITH THE U.S. DEPARTMENT OF EDUCATION**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board authorize a flexibility agreement with the U.S. Department of Education to waive a No Child Left Behind Act ("NCLB") regulation in order for the Chicago Public Schools to serve as an approved provider of Supplemental Educational Services ("SES").

HISTORY: NCLB requires that schools that have not made the required annual Adequate Yearly Progress for three consecutive years offer tutoring, or SES, to eligible students. SES is provided by state-approved vendors, which may include private entities as well as school districts. Each provider in Illinois must be approved by the Illinois State Board of Education ("ISBE") prior to beginning the SES services. The Chicago Public Schools was previously approved as an SES provider by ISBE and provided SES to Chicago Public School students during the 2001-2002 and 2002-2003 school years. Mid-school year 2003-2004, the Chicago Public Schools was placed on the needs improvement list under NCLB and was notified that it could no longer provide SES, according to 34 CFR 200.47(b)(iv)(B).

DESCRIPTION: On August 30, 2005, a request for waiver of 34 CFR 200.47 was submitted to the U.S. Department of Education in accordance with the waiver provisions of NCLB (20 USC 7861). The request asked for a Flexibility Agreement that authorizes the Chicago Public Schools to serve as an approved SES provider. As part of this Flexibility Agreement, the Chicago Public Schools would agree to increase the number of students receiving SES above the level that would receive these services if the Chicago Public Schools were not permitted to be a provider and also to evaluate the effectiveness of SES in raising student achievement.

The request outlined the reasons why the Chicago Public Schools should be authorized to provide SES, which included (1) the total number of students receiving SES services will increase, (2) special populations will be served including limited English proficient students and students with disabilities, (3) students will receive effective tutoring that is tailored to reflect curricula and instructional models that students are receiving during the school day, and (4) serving more students more efficiently and certain populations more thoroughly will assist Chicago Public Schools in reaching its AYP goals. The request also described the components of the proposed Chicago Public Schools SES program which includes 80 hours of instruction per child (4 hours per week for 20 weeks during the 2005-06 school year), and the measures taken by Chicago Public Schools to ensure that parents have equitable access to other SES providers.

The request was forwarded, as required by the waiver provisions of NCLB, to the Illinois State Board of Education for their review and comment. On September 1, 2005, the U.S. Department of Education, through its Secretary Margaret Spellings, announced that it would accept and agree to the request for a flexibility agreement. The Chicago Public Schools expect to receive documentation from the U.S. Department of Education formally acknowledging receipt of the waiver request and acceptance of the flexibility agreement.

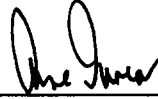
AUTHORIZATION: Authorize the Chief Executive Officer to complete and execute any flexibility agreement that memorializes the waiver issued by the U.S. Department of Education, and any required ancillary documents related thereto, in accordance with Section 7861 of Title 20 of the United States Code.

Approved for Consideration:



Barbara Eason-Watkins
Chief Education Officer

Respectfully Submitted:



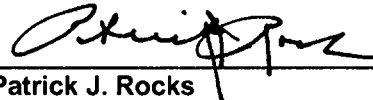
Arne Duncan
Chief Executive Officer

Within Appropriation:



John Maiorca
Chief Financial Officer

Approved as to Legal Form: *MS*



Patrick J. Rocks
General Counsel