

January 1, 2021



Fiscal Year 2020 Annual Report

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January 1, 2021

To the President and Members of the Chicago Board of Education, the Illinois General Assembly, Chicago Public Schools administration and employees, CPS families and residents of the City of Chicago,

Pursuant to the Illinois School Code, 105 ILCS 5/34-13.1(e), the enclosed Annual Report of the Office of Inspector General for the Chicago Board of Education includes a summary of investigations and other matters reported to the Board of Education by the Office of Inspector General in Fiscal Year 2020, the period between July 1, 2019, and June 30, 2020.

It is my honor to present this Annual Report on behalf of the OIG's investigators, intake specialists, performance analysts, attorneys, supervisors and administrative staff members. During a year of unprecedented challenges within the office and outside of it, the OIG remained committed to its mission even as events required substantial adjustments to how our employees lived and worked.

Overall, complaints to the OIG in FY 2020 fell more than 10% from FY 2019. The decrease is attributable to the COVID-19 pandemic, which forced CPS to suspend in-school instruction in March 2020 through the end of the 2019-20 school year. CPS administration offices also closed or significantly curtailed in-office operations for the remainder of the fiscal year.

The OIG is composed of three sections: General Investigations, the Sexual Allegations Unit (SAU) and the Performance Analysis Unit. The summaries in the Annual Report discuss investigations and other matters completed by each section.

The 2020 Annual Report records the first full year of SAU's completing and reporting to the Board on investigations that substantiated adult-on-student sexual allegations. There are 108 cases discussed here in comparison with 34 completed investigations summarized in the 2019 Annual Report – the year in which the SAU was formed.

In large measure, the increase in cases discussed in this Annual Report reflects the time required to complete investigations and present them to the Board. Further, the increase reflects the OIG's ability to staff more investigators, intake specialists and attorneys to address the flood of complaints received after the SAU's formation. The OIG opened 535 investigations of adult-on-student allegations between October 1, 2018 and September 30,

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2019, a rate of nearly three per school day. The Annual Report addresses many of the earliest matters investigated and it is also an indication of the volume of activity from the SAU's inception.

The subjects of the investigations were all adults, whether CPS staff members, charter school employees, volunteers or the employees of contractors and vendors.

Several of the OIG's substantiated investigations revealed acts of criminal sexual abuse, discrimination, harassment and other misconduct that were committed against students. Many of these investigations involved arrests for felony sex crimes that should be unimaginable from adults working in schools. The summaries of the cases in the Annual Report discuss the status of pending prosecutions, convictions, and other adjudications of these cases.

The SAU also investigated matters in which the evidence did not reveal sexual abuse, but that found the violation of a policy or guideline that CPS has enacted to deter inappropriate contacts between adults and students that may lead to or provide opportunities for sexual misconduct. Other investigations addressed adults who routinely made students uncomfortable through leering glances, unwanted touching (that was not in itself sexual) as well as lewd, harassing and sexually discriminatory comments that would have been humiliating coming from a classroom bully, much less from an adult placed by CPS in a position of trust with students.

Therefore, whether an investigation revealed evidence of sexual misconduct or a violation of related policies or guidelines, the OIG pursued the matter thoroughly. The Board's actions in response to the investigations demonstrated appropriate concern for their seriousness and the importance of keeping students safe. Many of the OIG's investigations resulted in the Board's termination of CPS staff members and other actions against CPS-affiliated adults. As one might expect, this was especially true in investigations that revealed sexual abuse of students. However, the Board also issued terminations in several cases when an employee violated other related policies and guidelines.

In addition, the Board has reported of broadly-applied corrective actions — the re-training of CPS's internal security officers is one example — when the OIG's investigations indicated the existence of concerning trends and patterns.

Since the SAU was formed, the OIG has forged productive external partnerships and relationships with the Chicago Children's Advocacy Center, the Illinois Department of Children and Family Services and the Chicago Police Department. The OIG has been significantly involved in the Illinois State Board of Education's Make Sexual and Severe Physical Abuse Fully Extinct (Make S.A.F.E.) Task Force. In 2020, the Make S.A.F.E. Task Force issued its report and recommendations to improve the safety of Illinois students that called for changes to the Illinois School Code, other legislative changes, more funding and

other improvements for investigating sexual abuse and providing students with effective supports.

The OIG's role of effectively investigating adult-on-student sexual allegations also relies on the SAU working in coordination with other CPS departments, most notably the Law Department and Office of Student Protections. In 2020, the OIG and CPS collaborated on policies to comply with changes to Title IX regulations for investigations. The OIG and CPS departments have established working relationships and interdependent procedures that accomplish the important goals of the OIG's independent investigations of adult-on-student sexual misconduct allegations, protection of students and the provision of appropriate supports to them.

Nearly six years after her resignation as Chief Executive Officer and a subsequent felony conviction in federal court for crimes she committed in her official capacity, the OIG's General Investigations Unit is still reporting on investigations of Barbara Byrd-Bennett's schemes to enrich herself and her friends through lucrative CPS contracts.

Byrd-Bennett's efforts to steer CPS business to two close friends and business associates displayed a brazen disregard for CPS's procurement rules. And, once again, the OIG's investigation found Byrd-Bennett being feted with expensive dinners by potential vendors as they had prohibited discussions about CPS contract opportunities. The investigation discussed in the Annual Report has prompted the Board to act against several CPS vendors and their executives who were connected with Byrd-Bennett through her misconduct.

The Byrd-Bennett investigations revealed one of the most exceptional cases of an official's abuse of public trust in CPS's history. Unfortunately, there have recently been additional chapters added to this history. In 2020, a senior official pled guilty in federal court to lying to the FBI about providing non-public information regarding the award of a \$1 billion contract to one of the bidders. The U.S. Attorney's Office cited the OIG's assistance in connection with the federal investigation that led to the guilty plea. As always, the OIG continues to partner with law enforcement agencies, when appropriate, to ensure that serious criminal misconduct is investigated and prosecuted.

The Annual Report also includes updates that followed the Performance Analysis Unit's review of CPS's administration of its high-stakes test for students in grades 3 through 8. The update discusses CPS's progress in the implementation of the OIG's recommendations resulting from the review.

The OIG itself was the subject of unwanted attention in 2020. In February, the previous inspector general resigned following allegations about his workplace conduct and unprofessional management of employees. Moving forward, the OIG has recognized the need to establish clear internal employee procedures and guidelines in several areas. The OIG has recently hired a full-time internal human resources professional to identify and direct improvements for transparency, guidance and training.

Finally, I want to thank Mayor Lori Lightfoot for the honor of being appointed the inspector general in June 2020. I also want to acknowledge the support and encouragement of President del Valle, the Members of the Board, and CPS's administration. I have been most grateful, however, for the reception and support that I have received from the employees of this great office.

Will Fletcher
Inspector General

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FY 2020 ANNUAL REPORT

SECTION 1 — OFFICE OVERVIEW

A. MISSION AND BUDGET

The mission of the Office of Inspector General is to ensure integrity in the operations of Chicago Public Schools by conducting meaningful, accurate and thorough investigations into allegations of waste, fraud, financial mismanagement and employee misconduct. The OIG also reviews CPS systems, practices and procedures to determine their effectiveness in preventing waste, fraud and financial mismanagement.

In Fiscal Year 2020, the OIG's budget grew to approximately \$5.94 million and the number of its employee positions grew by one from 49 to 50.

B. NOTE ON FEDERAL INVESTIGATION OF CPS CEO'S FORMER CHIEF OF STAFF

In fiscal year 2020, the OIG provided assistance to the U.S. Attorney's Office for the Northern District of Illinois and the Federal Bureau of Investigation in an investigation involving Pedro Soto, the then-chief of staff to CPS's chief executive officer.

On August 26, 2020, the U.S. Attorney's Office charged Soto with lying to the FBI in December 2019 when he was asked about his interaction with a lobbyist's colleague regarding the award of a \$1 billion CPS custodial-services contract and the information Soto shared while a member of the evaluation committee tasked with recommending which company should win the contract.

On September 11, 2020, Soto pleaded guilty to one count of making a false statement to an agency of the United States — a charge punishable by a maximum sentence of five years in federal prison.

Soto admitted in his plea agreement that he intentionally misled the FBI while it was conducting this investigation. He admitted that he repeatedly gave non-public information to the lobbyist's colleague about the award of the contract. He also

admitted that he supplied that information, in part, because the lobbyist's colleague promised him various benefits. Soto admitted that he intentionally lied to the FBI when he denied giving the lobbyist's colleague inside information.

Just before Soto was charged in this matter, he resigned from his position as the chief of staff to the CEO.

This criminal proceeding remains pending, and Soto has not yet been sentenced.

C. TRAINING AND INVESTIGATION STANDARDS

Many employees of the OIG are members of the Association of Inspectors General, a national organization of state, local and federal inspectors general and their staffs. The AIG offers training seminars and certification institutes for members as well as networking opportunities.

Many OIG employees hold the designation of Certified Inspector General or Certified Inspector General Investigator.

Participation in the AIG also offers employees continuing training in best practices related to the performance of the Inspector General mission. Locally, the OIG collaborates with IG offices from other state and local agencies to train all staff in a variety of areas related to investigations and audits. The Sexual Allegations Unit also receives training on child interviews and Title IX procedures.

The OIG conducts its investigations in accordance with the AIG's Principles and Standards for Offices of Inspector General, generally accepted principles, quality standards and best practices applicable to federal, state and local offices of inspectors general. In addition, the OIG, at all times, exercises due professional care and independent, impartial judgment in conducting its investigations and issuing its reports and recommendations.

D. COMPLAINTS RECEIVED IN 2020

In Fiscal Year 2020, the OIG received 1,948 complaints alleging misconduct, waste, fraud and financial mismanagement at Chicago Public Schools, including allegations of misconduct by CPS employees and vendors and allegations of students residing outside the City of Chicago and attending CPS. The OIG also received complaints alleging adult-on-student sexual misconduct as set forth below.

Of the 1,948 total complaints received, the OIG opened investigations into a total of 768 cases (39.4%). Several factors restrict the number of cases the OIG can open and investigate, including (1) a continuing focus on significant and often complex issues; (2) a particularly small staff size in relation to the OIG's total oversight responsibility

(in Fiscal Year 2020 CPS had approximately 38,000 employees and a budget of \$5.98 billion); and (3) time consumed by post-investigation activities (e.g., preparation and testimony for hearings, trials and labor arbitrations).

As previously reported by this office, the inability to investigate more complaints creates a substantial risk that instances of fraud and employee misconduct go undetected.

The OIG received 452 anonymous complaints, 23.2 percent of the total complaints received during the reporting year. Although the OIG responds to anonymous complaints, it is far more challenging to begin an investigation without the ability to speak with the complainant.

The table below reflects the types of complaints received by the OIG in Fiscal Year 2020.

[Table begins on next page.]

Type of Complaint Received FY 2020

Sexual Allegations (Total) ¹	434	22.28%
Touching: Less than Sexual Abuse	58	2.98%
Grooming	37	1.90%
Sexual Act	30	1.54%
Sexual Abuse	29	1.49%
Sexual Comments – in Person	10	0.51%
Student-on-Staff Inappropriate Conduct	8	0.41%
Sexual Electronic Communication	6	0.31%
Outcry About Past Conduct	5	0.26%
Failure to Report	3	0.15%
Concerning: Other	248	12.73%
Residency	177	9.09%
Corporal Punishment	94	4.83%
Discourteous Treatment	88	4.52%
Mismanagement	75	3.85%
Conduct Unbecoming	74	3.80%
Tuition Fraud	61	3.13%
Ethics	54	2.77%
Violation of Board Policy	51	2.62%
Negligently Supervising Students	45	2.31%
Falsification of School Records	45	2.31%

¹ These complaints were handled by the OIG’s Sexual Allegations Unit and do not include matters that were referred to other investigative bodies at intake, such as student-on-student sexual misconduct complaints that were referred to CPS’s Office of Student Protections.

Type of Complaint Received FY 2020

Falsification of Employment Records	45	2.31%
Bullying/Inadequate Response to Bullying	42	2.16%
Failure to follow IEP/504 Policies/Procedures	39	2.00%
Discrimination	28	1.44%
Using Verbally Abusive/Aggressive Language	27	1.39%
Fiscal Mismanagement	26	1.33%
Retaliation	26	1.33%
Misappropriation of Funds	23	1.18%
Inattention to Duty	20	1.03%
Contractor Violations	21	1.08%
Residing Outside the School Boundary	19	0.98%
Off-Duty Criminal Conduct	18	0.92%
School Safety/Security	17	0.87%
Test Cheating	15	0.77%
Wrongful Termination	14	0.72%
Preferential Treatment	13	0.67%
Fraudulent Leave of Absence	12	0.62%
Criminal Background	11	0.56%
On-Duty Criminal Conduct	10	0.51%
Falsifying Attendance Records	9	0.46%
Theft of Board Property	9	0.46%
Unfit for Duty	8	0.41%
Unauthorized Use of Board Property	4	0.21%
Reporting to Work Under the Influence	6	0.31%

Type of Complaint Received FY 2020

Violation of Acceptable Use Policy	6	0.31%
LSC Election Fraud	5	0.26%
Violation of the Student Code of Conduct	3	0.15%
Grade Changing	3	0.15%
Transporting any Student Without Written Consent from the School and the Parent or Legal Guardian	3	0.15%
Improper Licensure	2	0.10%
LSC Member Misconduct	1	0.05%
Violation of Magnet and Selective-Enrollment Policy	5	0.26%
Other	260	13.35%
	1,948	100.00%

SECTION 2 — FORMER CEO’S IMPROPER CONTRACT STEERING TO HER FRIENDS

An OIG investigation (13-01006) examined former CPS CEO Barbara Byrd-Bennett’s repeated efforts to steer CPS business to two close friends and colleagues in the field of education (“Friend A” and “Friend B”). Byrd-Bennett’s relationships with each of them predated her coming to Chicago to join CPS. Generally speaking, Friend A and Friend B were in the business of providing school districts with professional development services for administrators and other school staff.

This investigation covered Byrd-Bennett’s schemes to steer millions of dollars in CPS contracts to Friends A and B through their affiliation with three separate entities:

- **Company 1:** Byrd-Bennett steered a \$6.3 million professional services contract to Company 1 because Friend A and Friend B worked there. The CPS contract award was required to be the result of a competitive process. However, the evidence showed that Byrd-Bennett, with the help of trusted CPS officials, engineered the process so that Company 1 would get the contract. The evidence showed that Company 1 won the contract because of Byrd-Bennett’s close relationships with Friend A and Friend B.
- **Company 2:** During the term of Company 1’s CPS contract, Friend A and Friend B had a falling out with the company’s chief executive officer over money. They left Company 1 and started their own entity, Company 2. The investigation found that Byrd-Bennett had explored ways to give Friend A and Friend B all of the work that Company 1 had been doing, including proposing the idea to CPS’s general counsel. When he refused, Byrd-Bennett pressured Company 1 to give the business to Company 2 as a subcontractor. Separately, Byrd-Bennett gave \$25,000 in CPS business to Company 2.
- **Company 3:** After her unsuccessful attempt to give Company 1’s contract to Company 2 (as a subcontractor), she later attempted a similar scheme with Company 3. Specifically, she pressured Company 3 to partner on the contract with Friend A and Friend B. However, the plan fell apart as discussed below in more detail.

The series of events in this case, transpiring throughout the course of Byrd-Bennett’s CPS tenure, showed again and again her disregard for CPS contracting rules, as she repeatedly tried to find ways to give CPS business to her friends. As discussed more below, Byrd-Bennett and other high-level CPS employees — a CPS Network Chief (“the Network Chief”) and a top aide to Byrd-Bennett (“the Top Aide”) who were also friends with Friend A and Friend B — violated CPS’s procurement and ethical rules during these dealings. Likewise, Friend A, Friend B

and the companies with which they associated improperly participated in these dealings.

Additionally, an attorney who worked in the Network Chief's department and worked closely with the Network Chief ("the Attorney") participated in the improper steering process and violated the CPS Code of Ethics when she later went to work for Friend A and Friend B as the General Counsel of Company 2.

A. THE \$6.3 MILLION CONTRACT STEERED TO COMPANY 1

In 2013, Byrd-Bennett, the Network Chief and the Top Aide violated CPS's procurement rules by steering a \$6.3 million contract to Friend A and Friend B at Company 1. Although the Network Chief initiated a Request for Proposal process that purported to satisfy the Board's procurement rules, in fact, the process was competitive in name only. By the time the RFP was released publicly, Friend A and Friend B already knew Company 1 was getting the contract because the RFP was modeled after a Company 1 document outlining its services. By tailoring the scope of services in the RFP for Company 1, the Network Chief ensured that Company 1 would win the contract.

During the year leading up to the release of the RFP, Friend A and Friend B repeatedly met with Byrd-Bennett, the Network Chief and the Top Aide, including several meetings over dinner at expensive Chicago steakhouses paid for by Friend A and Company 1. Two weeks after Byrd-Bennett became the CPS CEO, Friend A presented Company 1's services to CPS Central Office personnel. Friend A told the OIG that she made the presentation at the request of Byrd-Bennett and that she heard at that time that CPS was going to develop an applicable RFP. Several weeks later Friend A took the Network Chief and the Top Aide out to dinner at the steakhouse III Forks, after Friend A sent Byrd-Bennett and the Top Aide an email asking, "Can we talk about the RFP process so we can begin planning appropriately?"

Friend A subsequently emailed the Network Chief a document detailing the scope of work that Company 1 would provide CPS. The Attorney, who worked closely with the Network Chief and drafted the RFP, told the OIG that she drafted the RFP using Company 1's document as a model but used other sources as well. She also told the OIG that the Network Chief told her that Company 1's proposal was exactly what she wanted.

Emails show that, two months before the RFP became public, Company 1's CEO and COO already knew that CPS was planning to release an RFP "built around" Company 1's scope of work. Furthermore, in an email Friend A sent after Company 1 was awarded the contract, she discussed the time period months before the RFP was

released and commented how Company 1 executives knew at that time that they “would be winning” the then-anticipated RFP.

As expected, when CPS finally released the RFP, the scope of services was very similar to the scope of services in the document Friend A had provided to the Network Chief that detailed Company 1’s services and that the Attorney had used when drafting the RFP.

As further evidence that the contract award to Company 1 was predetermined, emails showed that the Network Chief improperly met with Friend B during the “quiet period” of the RFP process to discuss Company 1’s upcoming work for CPS, even though the company had not yet been awarded the work. Following that meeting, Friend B emailed Company 1 executives notifying them that the Network Chief had said Company 1 was going to get the work but that she could not say anything official. Notably, Gary Solomon, the owner of CPS vendors the SUPES Academy and Synesi Associates,² attended that meeting with Friend B and the Network Chief so that they could all discuss how Company 1’s work would align with the work Solomon was providing CPS. According to Solomon, he arranged that meeting at the request of Byrd-Bennett, who intended for Company 1 to win the contract.

Naturally, Company 1 ultimately won the contract. As this case showed, the RFP did not cure the improper manipulation of the procurement process by Friend A, Friend B, Byrd-Bennett, the Network Chief and the Top Aide. If anything, it simply disguised the improper process at play.

In addition to the violation of CPS’s procurement rules, the OIG also found that Byrd-Bennett, the Network Chief and the Top Aide violated the CPS Code of Ethics by accepting expensive meals from Friend A and Company 1. Those meals included four dinners in the months preceding the RFP while Company 1 was soliciting CPS business and two dinners that were held as Friend A and Friend B were beginning the work under the contract after it was awarded. Byrd-Bennett, the Network Chief and the Top Aide also failed to disclose these meals on their Statements of Business and Financial Interests, even though they were required to disclose the receipt of any “gift, entertainment or any other thing of value” exceeding \$50 from anyone that has done Board work or is soliciting Board business. They all stated on their SBFIs that they had not received any such gifts or entertainment.

² Solomon later pleaded guilty to wire fraud for his role in the SUPES bribery and kickback scheme with Byrd-Bennett, as discussed in the OIG’s 2017 Annual Report.

B. EFFORTS TO GIVE FRIENDS A AND B CPS BUSINESS AT THEIR NEW COMPANY

While Friend A and Friend B were delivering services to CPS under the contract, they left Company 1 and formed their own company, Company 2, seeking to take the CPS business away from Company 1. Friend A and Friend B told Company 1's CEO that they would continue providing CPS with professional development on behalf of Company 1, but only if Company 1 paid them, as subcontractors, \$5 million of the \$6 million contract it had with CPS.

The evidence showed that, at this time, Byrd-Bennett again attempted to steer CPS business to Friend A and Friend B, but this time at their new company that they owned. Byrd-Bennett admitted that she wanted Friend A and Friend B to continue to receive that work and that she considered how she could give them that business. She even asked the CPS General Counsel if she could give them the work on their own, and the General Counsel told her she could not because a contract to them had not been authorized. As discussed above, the contract for this work that had been authorized following an RFP process had been awarded to Company 1.

Byrd-Bennett and the Network Chief then tried to help Friend A and Friend B get the work as subcontractors working on the contract to Company 1 that had already been authorized. The OIG found that the preponderance of the evidence showed that Byrd-Bennett and the Network Chief tied the renewal of the contract with Company 1 to that company subcontracting the work to Friend A and Friend B's new company and that, when Company 1 was unable to reach an agreement with Friend A and Friend B, the Network Chief decided not to renew the contract. By seeking to award the work essentially to Friend A and Friend B at Company 2 as subcontractors, under the guise of a contract with Company 1, Byrd-Bennett improperly circumvented CPS's procurement rules requiring a competitive process before awarding a contract of that magnitude.

In addition, around this same time, Byrd-Bennett's Office purchased \$25,000 (the maximum amount CPS can pay a vendor without using a competitive procurement process) of professional-development services directly from Company 2. Therefore, while Byrd-Bennett did not succeed in essentially passing CPS's contract with Company 1 to her friends, who were moving to Company 2, the CEO's Office nevertheless was able to give her friends \$25,000 in business because that amount did not require more authority.

C. COMPANY 2 HIRED CPS ATTORNEY WHO MANAGED FRIEND A AND B'S WORK

During the same time period that Byrd-Bennett and the Network Chief were trying to give business to Friend A and Friend B at their new company, the Attorney left

CPS and went to work for Friend A and Friend B as Company 2's General Counsel. By accepting an offer of employment from them while they were seeking Board work, both as prime contractors and as subcontractors, she violated the CPS Code of Ethics.

The Attorney not only knew that Friend A and Friend B were trying to continue their work for the Attorney and Network Chief's department at CPS, she was the manager of that work and had even gone to dinner with them while she was managing the work. Moreover, as she was leaving CPS, she was helping the Network Chief handle the discussions with Company 1 regarding its negotiations with Friend A and Friend B and the role they would have in the CPS work.

Additionally, because she went on to serve as Company 2's General Counsel while it was doing business with CPS and soliciting additional work, she also likely violated the Code of Ethics' prohibition on representing other companies with respect to CPS business for one year after leaving the district.

D. ATTEMPT TO STEER BUSINESS TO FRIEND A AND B UNDER COMPANY 3 CONTRACT

A few months later, Byrd-Bennett pressured another vendor, Company 3, to hire Friend A and Friend B as subcontractors performing the same type of professional development work that they had performed under the previous year's contract with Company 1. The preponderance of the evidence showed that Byrd-Bennett agreed to execute a contract and purchase \$3.8 million in services from Company 3 based on an understanding that it would partner with Friend A and Friend B on the work.

The evidence showed that, just before CPS executed its contract with Company 3, the Company 3 executive who managed the company's CPS account ("the Executive") called Friend A to discuss how Friend A could help with the CPS work. Two hours after that discussion, the Executive emailed the Top Aide stating that CPS needed to sign the contract and finalize the purchase order. CPS then signed the contract later that day, and the \$3.8 million purchase order was finalized the following day.

According to Gary Solomon, at the direction of Byrd-Bennett and the Top Aide he offered the Executive a deal in which CPS would give Company 3 the professional-development work that Company 1 had been performing, as long as Company 3 hired Friend A and Friend B. He said that the Executive agreed to hire them and that CPS gave Company 3 the work, but that the plan for Company 3 to use them on that work later fell through when Company 3 learned that Friend A and Friend B were being sued by Company 1.

Byrd-Bennett corroborated Solomon's account in part. She admitted that she asked Solomon to find a job for Friend A and that he told her he would see if Company 3

would hire her and agree to do the professional-development work Company 1 had been doing.

The Executive admitted that both Solomon and the Network Chief had recommended to her that Company 3 should use Friend A and Friend B for the work. Although she denied that she was obligated to hire them, the evidence showed that there was pressure from CPS to include them in the work. Another Company 3 employee who worked on the account stated that Company 3 did not usually hire subcontractors, but considered Friend A and Friend B in this case because of CPS. That employee said he knew that Friend A and Friend B were tightly tied to the Network Chief and that they tried to leverage their relationship to stay working on the CPS account alongside Company 3. He described his dealings with Friend A and Friend B as unsettling.

Furthermore, the Executive was not fully forthcoming with the OIG. For example, she told the OIG that she would have had nothing to do with the CPS purchase order, but emails showed, after speaking with Friend A, she prepared the documentation used to draft the purchase order, sent that documentation to the Top Aide and told her that CPS needed to finalize the purchase order.

Executive also mischaracterized her relationship with Byrd-Bennett. She said she only knew Byrd-Bennett in passing, but emails and text messages showed that they were friendly and communicated often.

Initially, Executive could not recall ever having a meal with Byrd-Bennett, but when she was later confronted with evidence that they dined together at expensive restaurants, she admitted that she pitched Company 3's services to Byrd-Bennett over dinner paid for by Company 3.

Notably, the Executive and Byrd-Bennett had dinner at the Pump Room during the RFP process shortly before the Executive submitted Company 3's professional-development-services proposal that led to Company 3's contract for the work at issue in which Company 3 was pressured to use Friend A and Friend B.

Ultimately, Company 3 did not enter into a subcontract with Friend A and Friend B, and it never paid them for any work. However, for nearly two months after CPS executed the contract with Company 3, Friend A and Friend B met with Company 3 and by all indications they expected to be working on the CPS contract going forward. The evidence showed that it was not until Company 3 learned of the then-pending litigation between Friend A and Friend B and their former employer that Company 3 told them that it would not be able to partner with them on the work.

When considered together, the evidence showed that it is more likely than not that initially there was an understanding that Company 3 would partner with Friend A and Friend B to perform the work under the CPS contract. Therefore, the OIG found that once again Byrd-Bennett circumvented procurement rules by attempting to steer work to her friends as subcontractors under the guise of a contract the Board had approved to another company. Additionally, the OIG found that the Executive was complicit in Byrd-Bennett's scheme by pursuing a way for Company 3 to partner with Friend A and Friend B, even though the plan did not come to fruition.

E. RECOMMENDATIONS AND BOARD RESPONSE

Byrd-Bennett, the Top Aide and the Network Chief all resigned from CPS in the wake of the federal investigation of the SUPES bribery and kickback scheme. As discussed in the 2017 OIG Annual Report, as a result of that investigation, Byrd-Bennett pleaded guilty to wire fraud and was sentenced to four-and-a-half years in prison. The Board subsequently placed DNH designations in the personnel files of Byrd-Bennett and the Top Aide after the OIG reported in fiscal year 2018 that they steered a large CPS contract to another vendor (15-00005). Had they not already been given DNHs, the OIG would have recommended that action for their conduct in this case.

The Network Chief, on the other hand, had not been given a DNH previously and so the OIG recommended that a DNH designation be placed in her personnel file for her ethical and procurement violations in this case, and the Board subsequently placed a DNH in her file.

The OIG also recommended that the Board place a DNH designation in the Attorney's personnel file for her participation in the contract steered to Company 1 and for accepting an offer of employment from Company 2 in violation of the Code of Ethics. The Board has since placed a DNH in her file as well.

With respect to the vendors involved in this matter, the OIG recommended permanent debarments for Friend A, Friend B and their company, Company 2. The OIG would have recommended that Company 1 be debarred, but that company had been acquired by another company when the OIG issued its report. As for the individuals who had served as Company 1's CEO and COO before it was acquired, the OIG recommended that they be permanently debarred because they were both complicit in the conduct of Friend A and Friend B that led to the steered contract to Company 1 in violation of CPS's procurement rules.

In response, the Board advised that it is in the process of initiating debarment proceedings for Friend A, Friend B, Company 2, Company 1's then-CEO and Company 1's then-COO.

With respect to Company 3 and the Company 3 Executive, the OIG stopped short of recommending permanent debarments or a fine because they were pressured by CPS into a plan to partner with Friend A and Friend B and because they never actually entered into a subcontract agreement with Friend A and Friend B.

For the Executive, the OIG recommended that the Board personally debar her from engaging in any business with the Board for an appropriately lengthy period of time, up to and including a permanent debarment. The Board advised that it is in the process of initiating a two-year suspension from her engaging in any business with the Board.

For Company 3, the OIG recommended that, as a condition of the company continuing to do business with CPS, the Board should (1) direct the company to enhance its internal policies and training related to its dealings with CPS; (2) require the company to certify on an annual basis that it has complied with the CPS Code of Ethics and procurement rules; and (3) appoint an independent monitor for a three-year period who will have access to the company's records and facilities, will conduct a baseline assessment of the company's ethics and compliance culture, issue recommendations for improvement and conduct subsequent quarterly reviews to ensure compliance with the monitor's recommendations.

The Board advised that it will follow these recommendations, including engaging an independent monitor for Company 3.

SECTION 3 — FALSIFIED TIME AND ABUSE OF BENEFITS

A. GHOST PAYROLL SCHEME AND IMPROPER SELF-DEALING (15-00906)

An investigation determined that a computer technician and a clerk at an elementary school engaged in a "ghost payroll" scheme for two years, with the apparent approval of the school's principal.

The scheme started when the computer technician moved to California without resigning from CPS and then continued to draw CPS paychecks while living in California. The clerk helped the computer technician maintain the appearance that she was working by regularly clocking in and out for her at the school. This practice continued for two years. The OIG concluded that, during this period, the computer technician may have made a couple trips back to Chicago for a few days at a time and clocked herself in at the school, perhaps even working those days. However, aside from those few exceptions, she was in California and not performing her CPS job.

As a result of the fraud, CPS paid the computer technician \$121,893.84 in unearned gross wages for 356 work days over a period of two years.

The evidence also indicated that the principal was aware that the school's computer technician had moved to California and that the school clerk was clocking her in after her departure. However, the principal resigned shortly after this fraud was discovered and he refused to answer the OIG's questions about it.

In addition to the timecard fraud, the computer technician also violated the CPS Code of Ethics by engaging in improper self-dealing with a printing company in which she and her husband were corporate officers. During the period of her CPS employment, her printing company sold \$237,302.62 worth of goods to 14 CPS schools, including \$65,790.27 worth of printing supplies that she purchased for the elementary school where she was employed.

Like the principal, the computer technician also resigned shortly after her fraud was discovered. Although she and her husband's company continued to be a CPS vendor, they refused to cooperate in the OIG's investigation. The OIG recommended that the Board permanently debar the computer technician, her husband and their company, both for violating the Code of Ethics and for refusing to cooperate with the OIG. The Board has advised that it has initiated debarment proceedings against those parties that are still pending.

The OIG also would have recommended that the Board place DNH designations in the personnel files of the computer technician and the principal, but the Board had already given them each DNHs following their resignations.

As for the school clerk, she retired shortly after the timecard fraud was discovered, but the Board had not placed a DNH designation in her personnel file. Accordingly, the OIG recommended that the Board give her a DNH designation, and the Board subsequently did so.

B. CLERK PAID HERSELF \$15,000 IN UNAUTHORIZED OVERTIME (19-00773)

An OIG investigation found that an elementary school clerk tasked with overseeing the school's payment of overtime used the principal's login credentials for the school's financial accounts to pay herself more than \$15,000. Although the clerk claimed that the payments were approved by the school's principal for legitimate overtime work, the OIG found that the clerk paid herself without authorization, actively concealed the payments from school administrators and, on some occasions, paid herself overtime when she was not working.

The OIG's investigation found that the clerk funneled the unauthorized payments to herself for nearly a year before her scheme was discovered. The clerk was able to carry out this fraud because the principal had entrusted her with his login information. This gave her the ability to direct payments from the school's accounts and allowed her to handle overtime accounts with little oversight. The clerk also had a deep understanding of CPS's overtime payment system from her previous employment as a CPS payroll analyst.

The OIG reviewed payroll records and found that during the 2018–19 school year, the clerk paid herself over \$15,000 without school approval — \$9,968 through the school's Supplemental Pay System and \$5,408 by adding overtime hours to her biweekly paychecks.

When interviewed by the OIG, the clerk denied committing any fraud, denied paying herself for any overtime that she had not actually worked and claimed that the school principal had orally authorized her overtime payments. She also claimed to have emails and school records supporting her claims. The investigation found that no such records existed. To the contrary, the evidence indicated that the clerk had removed or destroyed records of the school's overtime payments in order to conceal her fraud.

The OIG requested that the clerk produce the records she had claimed would corroborate her version of events. She never did and resigned shortly after the interview.

The OIG found that the clerk fraudulently paid herself overtime pay for at least some hours that she was not actually working and engaged in "double dipping" by paying herself overtime pay for time in which she was present at the school but working for (and being paid by) a third party vendor. However, due to the school's lack of documentation supporting its overtime payments — caused, at least in part, by the clerk's apparent destruction of some records — the OIG was unable to conclusively establish the number of hours of overtime, if any, actually worked by the clerk. Consequently, the OIG was unable to determine exactly which overtime payments to the clerk were completely fraudulent and which payments were merely unapproved.

Had the clerk not resigned, the OIG would have recommended that the Board terminate her employment. At the OIG's recommendation, the Board placed a DNH designation in her personnel file.

C. ABUSE OF PUBLIC BENEFITS, PAID TIME OFF AND TIME FALSIFICATION

o SECAs Lied to Obtain Veterans Affairs Benefits (19-00067)

An OIG investigation determined that, over the course of several years, two special education classroom assistants, who were also mother and daughter, repeatedly made false statements to the Department of Veterans Affairs so that the mother could obtain more in federal stipends under the VA Program of Comprehensive Assistance for Family Caregivers than she was entitled to receive. During the 27 months that the mother was enrolled in the program, she received approximately \$35,000 in VA benefits for providing her daughter with health care.

The VA's records showed that the mother falsely stated that the responsibility of caring for her daughter forced her to quit her CPS job. When interviewed by the OIG, she initially denied making that claim. Eventually, however, she admitted to misleading the VA.

The mother also admitted to the OIG that she operated a daycare out of her home in the evenings and at night, which further undermined her statements to the VA and the OIG about the amount of time she spent caring for her daughter. Moreover, she operated the daycare without authorization from CPS for secondary employment in violation of the CPS Code of Ethics.

The OIG also determined that the daughter lied to the VA regarding her mother's employment as well as her own employment and household. Additionally, VA records showed that the daughter exaggerated her symptoms and level of disability, and the VA eventually discharged her from the program for that reason.

The OIG recommended strong discipline for the mother and daughter SECAs. The Board advised that it is still considering discipline in this matter and has not yet taken any action against either SECA.

o Principal Misused Sick Time and Lied to Network Chief and OIG (19-01196)

An investigation determined that a principal who moonlighted as a member of a band misused sick time in order to perform in a music festival in Las Vegas. The principal also lied to his Network Chief about his request for time off and continually attempted to mislead the OIG during the investigation.

The principal's misuse of sick time became apparent after his band posted photos on social media showing the principal traveling with his band on the day that he had claimed to be sick. During his interview with the OIG, the principal admitted that he had been traveling with his band on the day in question, but said that he recalled

using a vacation day for the trip, not a sick day. The claim was disproved, however, by emails that the principal sent the Network Chief in which he said that he would need to use sick time for a medical procedure on the date when he was traveling with the band.

Further, the principal lied to his Network Chief about needing to use a sick day at the same time when the evidence showed he was planning the trip to Las Vegas.

After his OIG interview, the principal contacted the OIG and admitted that he had used a sick day on the day in question, but again lied to the OIG about his reason for requesting sick time, going so far as to provide the OIG with a “doctor’s note” of questionable authenticity and which also failed to account for why he traveled to Las Vegas for a music festival on the date when he used a sick day.

The OIG recommended serious discipline for the principal. The Board advised that the principal was subsequently laid off and then removed from future principal eligibility.

- *Teacher Fabricated Relative’s Death to Claim Bereavement Leave (19-01859)*

An OIG investigation determined that a teacher attempted to abuse CPS’s paid time off policy by concocting a fraudulent story about a death in the family. School administrators became suspicious of the teacher’s request after she was reluctant to provide confirming documentation and offered conflicting explanations for taking the time off.

The OIG investigated and found that the teacher had fabricated the purported death in her family and provided CPS with a forged letter and other fraudulent documentation in support of her request. When questioned by the OIG about her claims, the teacher initially alleged that school administrators had framed her. After further questioning, she admitted that she had orchestrated the entire scheme because she felt she needed time off from work.

The OIG recommended that the Board terminate the teacher’s employment and enter a DNH designation in her personnel file. The teacher subsequently resigned, and the Board entered a DNH designation in her file.

- *Misuse of Sick Time to Attend Second Job (19-00677)*

An OIG investigation determined that a high school security officer misused his sick time to attend his second job in violation of the CPS policy on paid time off.

The OIG also found that the work schedule of his second job appeared to conflict with the duties and demands of his CPS employment, which would normally be a

violation of the CPS Code of Ethics. However, in this case, the school administration had approved his secondary employment and was trying to accommodate his schedule as much as possible.

The OIG recommended that the Board give the security officer appropriate discipline, up to and including termination. The OIG recommended that, if his employment is not terminated, he should be required to change his work schedule to ensure that his second job no longer conflicts with the duties and demands of his CPS employment.

In response to the OIG's investigation, the Board terminated the security officer's employment and placed a DNH designation in his personnel file.

- *Two Custodians Committed Time Fraud (19-00050)*

An OIG investigation determined that two custodians at an elementary school improperly clocked in for the other on numerous occasions. Furthermore, the OIG found that, on at least two of those occasions, the custodian who failed to clock herself in for work was not actually at work.

Accordingly, the OIG found that the two custodians each committed time fraud by representing that they were at work when they were not and also by falsely representing that the other custodian was at work.

The OIG recommended appropriate discipline for both custodians. The Board terminated the employment of one of the custodians, and the other custodian resigned after dismissal charges were filed against her. The Board placed DNH designations in both of their files.

- *Teacher Clocked in for Colleague to Hide His Late Arrivals (19-01583)*

An OIG investigation determined that, on at least nine days in 2019, a teacher at an elementary school masked his late arrival to school by parking his car after he was clocked in for work. On at least five of those occasions, and possibly all of them, another teacher at the school clocked him in while he was parking his car. Therefore, they both misrepresented his start time on those dates. In addition, they both lied to the OIG by stating that the second teacher had never clocked in the first teacher, even though the evidence demonstrated that she had.

The OIG recommended appropriate discipline for both teachers. The Board has advised that it has not yet taken action and is still considering the matter.

SECTION 4 — EMPLOYEE AND STUDENT RESIDENCY FRAUD

The Board's policy requires that all of its employees live within the City of Chicago absent approved exemptions. The OIG recommends "immediate termination" when employee residency violators also lie about their addresses. This is because, per the Board's residency policy, an employee who lies about his or her address in conjunction with a residency violation is subject to immediate dismissal. *See Board Report 18-0627-PO4.*

The OIG also investigates families who live outside the City of Chicago and send their children to CPS schools. Not only are suburban students subject to disenrollment, their families owe CPS tuition for the years the students attended CPS schools as non-residents. The statutory non-resident tuition rate varies slightly from year to year. For the 2019–20 school year, the rate was \$13,936 per student.

- *SECA and Her Children Attending CPS Lived in Alsip (18-00944)*

An OIG investigation concluded that a special education classroom assistant violated the residency policy by living in suburban Alsip and that she intentionally misrepresented her residency to avoid the policy. The OIG recommended that the Board immediately terminate the SECA's employment and place a DNH classification in her personnel file.

In addition, the SECA's eight children all attended CPS schools while living in Alsip. The OIG found that six of the children were improperly enrolled in CPS schools while living in Alsip during the 2016–17, 2017–18, 2018–19 and 2019–20 school years, and that the other two children were improperly enrolled in CPS schools during the 2018–19 and 2019–20 school years. The family owed a total of \$274,858.56 in non-resident tuition for the first three years, plus a pro rata share for the part of the 2019–20 school year when they attended CPS schools.

The OIG recommended that the Board disenroll all of the children from CPS schools, with the exception of the eldest because he was a senior and, pursuant to CPS practice, could be allowed to finish the year at his high school so as not to unduly disrupt his education and graduation. In addition, while the OIG often recommends that the Board take steps to recover the non-resident tuition owed in these cases, here the OIG left this issue to the Board's discretion, given that the OIG's investigation indicated that this was a low-income family and that it would be extremely unlikely they could afford to pay the inordinately high tuition amount.

In response, the Board disenrolled the students from their CPS schools, with the exception of the senior, who was allowed to graduate. The Board decided not to pursue the tuition owed given the family's financial status. The Board also initiated

dismissal proceedings against the mother for her residency violation, and those proceedings are still pending.

- *Teacher Living in Lincolnwood (18-01491)*

An investigation determined that a teacher represented that she was living in Chicago when she was actually living in Lincolnwood in violation of the residency policy. Shortly after she was interviewed by the OIG in this matter she resigned from CPS. The OIG recommended that the Board enter a DNH designation in her personnel file, and the Board subsequently entered a DNH in her file.

- *Special Education Teacher Living in Hazel Crest Without a Waiver (18-01701)*

An investigation determined that a special education teacher violated the residency policy by living in Hazel Crest. Although, as a special education teacher, she was eligible for a residency waiver, she never obtained one. Moreover, she misrepresented to CPS that she was living in Chicago, including listing a false Chicago address on Local School Council forms.

The OIG recommended that the Board terminate her employment and place a DNH designation in her personnel file. The Board subsequently initiated dismissal proceedings against her, which are still pending.

- *Family in Alsip Enrolled Students in CPS Magnet High School (19-00068)*

An OIG investigation determined that three siblings living in Alsip, Illinois, were improperly enrolled at a CPS high school. The family moved from Chicago to Alsip in the fall of 2017, at which time one of the students transferred to her suburban public school, but the other two students continued to attend the CPS magnet high school they had been attending. Although under Board policy they were allowed to finish the 2017–18 school year at their CPS school, they were not allowed to continue attending CPS for the following school year, which they did. Accordingly, the OIG found that the family owed CPS \$27,872.52 for the combined non-resident tuition owed for the year those two students improperly attended CPS as non-residents.

In addition, during the 2018–19 school year, the mother falsified the high school application for the third sibling, who had been attending public school in the suburbs, by stating that the student was living in Chicago, when she was actually living in Alsip. After the falsified application was submitted to the CPS Office of Access and Enrollment, she was admitted to the magnet high school her siblings were attending.

The OIG would have recommended that all three students be disenrolled from CPS, but they were already disenrolled by the mother shortly after the OIG interviewed her in this matter. Accordingly, the OIG recommended that all three children be prohibited from re-enrolling at the CPS magnet high school and that they be prohibited from enrolling at any CPS school unless they establish residency in Chicago. The OIG recommended that the Board pursue recovery of the non-resident tuition owed by the family, if financially practicable.

The Board has advised that it is pursuing recovery of the tuition owed and those collection efforts remain pending.

- *Morton Grove Family Attended CPS Elementary and High School (19-00071)*

An OIG investigation determined that three siblings living in Morton Grove, Illinois, improperly attended CPS schools during the 2018–19 school year. The evidence showed that the family moved to Morton Grove around the start of the 2017–18 school year. The OIG determined that the children were allowed to finish the 2017–18 school year at CPS (even though they were living in Morton Grove for almost the entire year), but they clearly were not permitted to continue at CPS for the 2018–19 school year.

Nevertheless, in 2018–19, two of the siblings attended a CPS magnet elementary school and the third sibling attended a CPS neighborhood high school. Because the three children improperly attended CPS schools for one year while living in the suburbs, the family owed a total of more than \$41,800 in non-resident tuition.

The three students left CPS during the course of the OIG’s investigation. The high schooler graduated at the end of the 2018–19 school year, and the elementary school students did not return to CPS after the OIG interviewed the parents during the summer of 2019. Accordingly, the OIG recommended that the two younger students be prohibited from enrolling at any CPS school unless they establish residency in Chicago. Additionally, the OIG recommended that the Board pursue recovery of the unpaid tuition from the family, if financially practicable.

The Board advised that it is not attempting to recover tuition from the family because a hearing officer disagreed with the OIG’s findings and concluded that the family moved to the suburbs after the start of the 2018–19 school year.

The OIG stands by its finding in this matter that the family moved to Morton Grove in 2017, when they purchased a house in Morton Grove, set up all their utilities at that residence and even informed ComEd that they had begun renting out their previous residence in Chicago. Although the parents claimed that they did not actually move to Morton Grove until just after the start of the 2018–19 school year, which was

more than a year after they had purchased the home, the OIG did not find them credible.

- *Teacher Resided in Glenview (19-00331)*

An investigation determined that a teacher was living in Glenview in violation of the residency policy. The investigation established that, while she was a CPS employee, the teacher changed residence from Chicago to the suburbs in violation of the residency policy and concealed the move from CPS.

The OIG initiated this investigation after learning that the teacher was arrested and prosecuted for felony retail theft. In the criminal action, the teacher ultimately entered into a deferred prosecution agreement and the charges were dismissed.

The teacher resigned from CPS during the OIG's investigation. Therefore, the OIG recommended that the Board place a DNH designation in her personnel file. The Board followed the recommendation.

- *Assistant Principal Living in Orland Park (19-00552)*

An investigation determined that an assistant principal represented that she was living in Chicago when she was actually living in Orland Park in violation of the residency policy. The OIG recommended that the Board terminate her employment and enter a DNH designation in her personnel file. The Board subsequently initiated dismissal proceedings against her, which are still pending.

- *Principal Living in Elgin (19-01448)*

An investigation determined that a principal represented that he was living in Chicago when he was actually living in Elgin in violation of the residency policy. The OIG recommended that the Board terminate his employment and enter a DNH designation in his personnel file. The principal subsequently resigned from CPS, and the Board entered a DNH designation in his file.

SECTION 5 — OTHER GENERAL INVESTIGATIVE MATTERS

- *Vendor Falsely Claimed to be a Non-Profit, Failed to Deliver Promised Training Programs to CPS Students (18-01299)*

An OIG investigation found that a CPS vendor being paid to operate non-profit vocational training programs for CPS students was in fact a for-profit enterprise with no discernable charitable purpose. In addition, the vendor failed to provide

many of the promised vocational services, instead mostly using its vocational program at CPS to further its for-profit business ventures.

For a number of years, CPS had purchased classroom supplies from the company as one of its commercial vendors. Starting in 2014, however, the vendor began seeking paid contracts with CPS schools to provide what it described as “manufacturing internship[s]” for CPS students. The vendor marketed its vocational programs to CPS schools as a charitable enterprise that was operating “under the umbrella” of a 501(c)(3) non-profit.

The vocational programs consisted mostly of students performing basic manufacturing and business tasks along with some instruction. The vendor also promised that students would receive stipends as well as assistance with post-secondary vocational and educational opportunities. The OIG investigated the vendor and its programs after several complaints about whether the vendor was actually a non-profit and the value of its programming for CPS students.

The OIG quickly determined that all of CPS’s payments to the vendor were made to a for-profit entity. There was no evidence that the vendor was affiliated with a registered nonprofit entity.

The investigation found that the vendor’s programming was of questionable value: the vendor was essentially receiving CPS funds to use students as a supplemental source of labor, having students perform the basic tasks needed to operate its business and which otherwise would have been performed by paid employees.

The vendor also failed to deliver on the stipends it promised to give students and failed to provide assistance to students in locating post-secondary vocational or educational opportunities. In one example, the vendor had promised to provide program participants placement into post-graduation internships. When one student inquired about the internship, a representative of the vendor drove the student to one of the City Colleges and simply dropped him off there.

The vendor’s president and vice president failed to cooperate in the OIG’s investigation and did not appear for an interview.

As discussed more below, the OIG Sexual Allegations Unit also conducted a separate investigation (18-01294) into alleged potentially inappropriate conduct by an employee of this vendor. The OIG found no evidence of sexual misconduct, but concluded that the vendor employee violated CPS policies regarding student travel and staff-student boundaries by taking a student off campus.

The OIG recommended that the Board debar the vendor, as well as the vendor's president and vice-president and the other company associated with the president that he claimed was an umbrella company for the vendor at issue. The Board has advised that it is in the process of initiating debarment proceedings against the two companies and two individuals, as recommended.

Additionally, the OIG's investigation of this vendor confirmed concerns regarding CPS's processes for conducting background checks of vendor employees prior to 2018. Specifically, although CPS conducted background checks of this vendor's employees in 2018 as part of a system-wide "refresh," CPS could not provide the OIG with evidence that these vendor employees were background checked prior to 2018, despite the fact that they had consistent contact with students from 2014 to 2018. Since CPS had already taken steps to improve its background-check processes at the time the OIG issued its report in this matter, the OIG recommended that CPS continue those reforms.

- *Company Misappropriated Funds Intended for Different Vendor (18-00501)*

The OIG was asked to investigate an incident in which CPS generated a purchase order for boiler repair work that mistakenly listed the wrong vendor. As a result, CPS issued a direct deposit payment to a vendor that had not performed the work.

The OIG spoke with the owners of the vendor, who acknowledged receipt of the mistaken payment and also claimed that CPS owed their company several thousand dollars for work it had previously performed. The OIG found no evidence of payments owed to the vendor and informed the vendor of that. The vendor then told the OIG it would repay the amount owed. However, it failed to do so. Accordingly, the OIG recommended that the Board attempt to recover the overpayment and, if necessary, seek debarment of the vendor.

The Board advised that it issued a demand letter to the vendor for repayment of the funds and notified the vendor of the potential for debarment.

- *Investigation of Parent's Claims of Student Abuse and Retaliation Following Complaints Against CPS Staff (19-00666)*

The OIG conducted an investigation into a CPS parent's allegations that a CPS principal and her staff mistreated her children and then retaliated against them after she complained to Network officials. CPS's Law Department investigated the complaints for several months until it requested the OIG to conduct its own investigation, following objections by the parent. The OIG reviewed the Law Department's actions to that point and re-investigated the parent's complaints. The OIG found that the Law Department's investigation was adequate in depth and

scope, given the breadth of the allegations, and despite certain deficiencies. The OIG's investigation of the parent's complaints found some evidence that school staff members mishandled two incidents involving student safety, but found that the evidence did not support the parent's claims of mistreatment or retaliation.

In the first incident, one of the parent's children ran out of the school building without permission. Staff members followed the student until she arrived at her house. The staff members then returned to the school without knowing whether a parent or responsible adult was at home or making any effort to ensure the student's safety or contact the parent. Although school staff were faced with a difficult situation, the OIG found that one of the staff members who followed the student to her house was primarily responsible for making reasonable efforts to ensure the student's safety and his response was inadequate under the circumstances. The OIG also found that the principal mismanaged this incident.

The second concerning incident involved an injury to another child of the parent following a school fight. The OIG determined that the assistant principal's subsequent investigation of the incident was inadequate. Among other things, she did not review the relevant security camera footage and failed to make a meaningful effort to obtain the complaining parent's child's account of the altercation. The OIG also found that the principal mismanaged the matter by failing to ensure that her staff's investigation was adequate. Although the OIG found the response to this incident concerning, the OIG did not find evidence to support the parent's claims that school staff intentionally failed to intervene in the fight or deliberately ignored her injuries.

Finally, the OIG did not find evidence to support the parent's claims that school staff engaged in a concerted effort to retaliate against her children in response to her complaints to the Network. The OIG reviewed several individual incidents of alleged retaliation and did not find evidence that school staff instigated matters or generated false reports, as the parent alleged.

The OIG recommended appropriate discipline for the principal, the assistant principal and the staff member discussed above who failed to make enough efforts to ensure the student's safety after she left the school. In response, the Board suspended the principal for five days, suspended the assistant principal for one day and placed the other staff member on a Level One Performance-Improvement Plan.

- *Teacher Repeatedly Left Students Inadequately Supervised (19-01618)*

An investigation determined that a high school physical education teacher failed to complete his workday on more than 300 days over a three-year period. On 155 days

he left more than 10 minutes early. He had this practice of leaving early because he wanted to get a head start on his commute to another job he had teaching driver's education at a different high school. His last class of the day took place in a large gym with several other P.E. classes. He claimed that he asked other teachers in the gym, who were not responsible for the students in his class, to supervise his students for him when he left early, but the other teachers denied that.

The OIG found that, by repeatedly leaving school early, the teacher failed to complete his work duties and failed to adequately supervise his students. The OIG recommended that the teacher be given appropriate discipline. The Board then issued him a warning resolution, and he resigned. The Board subsequently entered a two-year DNH designation in his personnel file.

SECTION 6 — SEXUAL ALLEGATIONS UNIT INVESTIGATIONS

The OIG Sexual Allegations Unit investigates sexual misconduct allegations in which the victim is a student and the subject is a CPS employee, charter school employee or other CPS- or charter-affiliated adult.

The OIG began forming the SAU in the summer of 2018, with it commencing operations on October 1, 2018 — three months into fiscal year 2019 (the 2018–19 school year). Prior to that, these sexual misconduct matters primarily were investigated by the CPS Law Department. However, in the aftermath of the *Chicago Tribune's* "Betrayed" series, documenting instances in which such matters were mishandled — in part due to inherent conflict-of-interest concerns — the Board gave sole responsibility for investigating these cases to the OIG. As an independent office committed to transparency, public reporting and coordination with law enforcement, the OIG would not be conflicted by other interests, it would reliably report its findings and recommendations to the public, and it would ensure criminal investigations were not jeopardized.

The OIG publicly reported on its first substantiated SAU matters in last year's Annual Report. However, this year's Annual Report reflects the first full fiscal year that the SAU has been operational. Accordingly, this report discusses far more SAU investigations than were discussed in the 2019 Annual Report.

A. CASE INVENTORY, ALLEGATIONS, POLICE INVOLVEMENT AND PERSONNEL ACTION

During fiscal year 2020, the OIG opened 434 SAU cases. From September to February, the SAU received complaints at a significantly higher rate than it had in fiscal year 2019. However, the SAU's case intake dropped considerably in March

following the school closures and transition to remote learning, due to the COVID-19 pandemic.

Cases Opened FY 2020												
	July	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
New Cases	11	7	57	45	56	43	52	80	35	17	9	22
Cumulative	11	18	75	120	176	219	271	351	386	403	412	434
Avg. Cases/ School Day			2.7	4.1	3.3	2.9	2.6	4.2	1.6	1.1	0.5	1.8

The table below shows the OIG’s breakdown of SAU cases opened in fiscal year 2020 categorized by the allegations in the complaint.

Cases Opened FY 2020 by Allegation Type		
Category	Definition	
Sexual Act	Penetration	30
Sexual Abuse	Physical conduct for sexual gratification, e.g. groping, fondling	29
Sexual Comment — In Person	Unambiguously sexual comment to a student	10
Grooming	Actions to break down inhibitions for the purpose of sexual conduct	37
Sexual Electronic Communication	Sexual text messages, emails, or other communications	6
Touching: Less than Sexual Abuse	Touching of a possible (not obvious) sexual nature	58
Concerning: Other	Leering, “creepy” behavior or other potentially concerning behavior	248
Outcry About Past Conduct	Recent outcry concerning behavior towards a staff member	5
Failure to Report	Violation of Mandatory Reporting Policy	3
Student on Staff Inappropriate Conduct	Students initiating concerning behavior towards a staff member	8

The table below shows the status of police-involved cases for the SAU investigations opened in fiscal year 2020. The cases in this table do not necessarily correspond with the specific police-involved cases discussed in more detail below because many of those cases were opened in fiscal year 2019.

Police-Involved Cases	FY 2020
Total CPD-involved Cases	47
Active	13
Closed, Suspended or Unfounded	30
Charged/Indicted	4

In fiscal year 2020, the OIG’s SAU investigations resulted in 140 staff members being removed from schools while they were under investigation to ensure that children were being protected. For 47 employees, the investigations led to the end of their employment with the district.

Personnel Action	FY 2020
Staff Pulled or Blocked from Schools	140
Staff Reinstated on OIG’s Recommendation	38
Staff Terminated, Resigned or Retired	47

B. OVERVIEW OF INVESTIGATIONS CONCLUDED IN FISCAL YEAR 2020

In fiscal year 2020, the OIG completed 108 SAU investigations with substantiated findings of misconduct. The OIG completed 159 SAU investigations that were unsubstantiated. The OIG issued full reports to the Board on all 267 of those cases.

Breakdown of Cases Reported



Each substantiated case is discussed below in more detail. The cases are organized in the categories presented in the following chart.

Substantiated Cases

Matters Resulting in Criminal Charges



Other Grooming and Severe Sexual Misconduct



Other Sexual Harassment, Sex Discrimination and Sexual Misconduct



Other Violations of CPS Policies or Guidelines



While the OIG found violations in all of these cases, 16 stand out as particularly severe. The offenders in the first eight matters discussed have already been criminally charged. The next eight cases include other severe sexual misconduct matters as well as instances of grooming students for sexual abuse. The police investigated many of these cases, but ultimately closed or suspended most of them, due to various issues, such as difficulties with uncooperative witnesses.

The third category of cases includes numerous instances of sexual harassment, as well as a few other instances of sex-based discrimination or other sexual misconduct. The last category includes a high number of cases in which the OIG found conduct that violated CPS's guidelines on maintaining professional boundaries with students, but did not rise to the level of sexual misconduct.

C. MATTERS RESULTING IN CRIMINAL CHARGES

- *Special Education Teacher Sexually Assaulted Eighth Grader (19-00526)*

A special education teacher at an elementary school made sexual advances toward an eighth grader, communicated extensively with the student via their personal cell phones and engaged in sexual intercourse with him on at least one occasion.

When concerns about the teacher's conduct were initially revealed, the Chicago Police Department and the Illinois Department of Children and Family Services opened investigations but later closed their cases after the student denied the teacher's abuse.

The OIG, however, continued with its investigation and ultimately discovered, among other things, more than 12,000 communications between the teacher and student on their cell phones. The student subsequently disclosed the teacher's sexual abuse to the OIG.

The OIG found that the teacher's conduct amounted to criminal sexual assault under Illinois law, 720 ILCS 5/11-1.20(a)(4). The student was not only legally unable to consent given his age, but the evidence indicated that the teacher pressured the student into having sex with her after he declined her advances.

Needless to say, the teacher also violated CPS policy by engaging in sexual conduct with a student. In addition, the OIG found that her conduct constituted grooming under CPS policy because the evidence revealed numerous efforts by her to build an emotional connection with the student and break down his inhibitions for the purpose of sexual abuse. Her conduct also violated CPS's sexual harassment policy.

During the OIG's investigation, the teacher resigned from CPS, and the Board placed a DNH designation in her personnel file. The OIG recommended that the Board notify ISBE so that ISBE can revoke her teaching license. The Board notified ISBE and her license has been suspended.

The OIG coordinated with CPD and DCFS throughout this investigation and, after the student made his disclosure to the OIG about the teacher's sexual abuse, CPD and DCFS re-opened their investigations. The teacher was later arrested, after the OIG completed its investigation and issued its report in this matter, and charged in the Circuit Court of Cook County with three counts of criminal sexual assault, 720 ILCS 5/11-1.20(a)(4). Her criminal case remains pending.

- *Charter High School Coach's Sexual Misconduct with Students Led to Indictment for Seven Counts of Criminal Sexual Assault (18-01545)*

An OIG investigation found that a basketball coach at a charter high school engaged in criminal sexual misconduct with two students. The OIG initiated this matter after receiving allegations of concerning text messages between the coach and students. The investigation uncovered more serious evidence that the coach had sex with a student.

The OIG notified CPD, which investigated the allegations and arrested the coach. He was charged in the Circuit Court of Cook County with five counts of criminal sexual assault and two counts of aggravated criminal sexual assault. His criminal case is pending.

The OIG completed its investigation and found that the coach had sex with two students and that most of his assaults and other sexual misconduct with students occurred on school grounds. The OIG found that the coach's actions clearly rose to the level of criminal sexual conduct.

If the coach had been a CPS employee, his conduct also would have constituted sexual misconduct and sexual harassment in violation of CPS policy.

The charter school terminated the coach's employment during the OIG's investigation.

The OIG recommended that the charter school also place a DNH designation in the coach's personnel file. The OIG further recommended that CPS flag the coach's file to review this investigation in the event he ever applies for a position with CPS.

The charter advised that it entered a DNH designation in his file, and CPS advised that his file was flagged at CPS to ensure that he will not be hired by the district.

- *Bus Driver Sexually Abused Three Students Under 12 Years Old (18-01523)*

An investigation determined that a school bus driver, who was employed by a CPS vendor and had previously been a CPS employee, engaged in multiple acts of sexual abuse of three students who were all under 12 years old. The abuse did not take place on school grounds or on a school bus. Rather, the bus driver was acquainted with the families of the three students.

The bus driver was arrested and charged in the Circuit Court of Cook County with eight counts of predatory criminal sexual assault of a child, 720 ILCS 5/11-1.40(a)(1), and three counts of aggravated criminal sexual abuse, 720 ILCS 5/11-1.60(c)(1)(i). His criminal case is pending.

The OIG's investigation determined by a preponderance of the evidence that he sexually abused the three children. He obviously also violated CPS policy by sexually assaulting the students.

The bus driver is being held in jail pending his criminal case and no longer works for the bus company. The OIG recommended that the Board permanently debar the bus driver from ever doing business with CPS or otherwise working on CPS property. In addition, the OIG recommended that the Board enter a DNH designation in his CPS personnel file. The Board advised that it placed a DNH in his file and is in the process of initiating debarment proceedings against him.

- *High School Teacher Solicited Undercover Police Officer Posing as a Minor; Charged with Multiple Felonies (19-00874)*

The OIG investigated a high school teacher who used an electronic messaging application to solicit sexual acts from an undercover police officer posing as a 15-year-old minor. The teacher was arrested by the Evergreen Park Police Department and charged in the Circuit Court of Cook County with felony counts of indecent solicitation of a child, 720 ILCS 5/11-6(a), 11-6(a-5) and 11-6.6(a); one count of grooming, 720 ILCS 5/11-25; and two counts of the manufacture of harmful material, 720 ILCS 5/11-21(b)(1)(A). He subsequently pleaded guilty to one count of indecent solicitation of a child and was sentenced to 30 months of probation.

Based on the arrest, the OIG investigated whether the teacher engaged in similar misconduct with a CPS student. The evidence revealed that the teacher made a veiled reference to his own sexual activities during class to his students. Doing so violated CPS's guidelines related to maintaining professional boundaries with students. The teacher refused to cooperate with the OIG's investigation.

Based on the criminal conviction and the OIG's investigation, the OIG recommended that the Board terminate the teacher's employment and place a DNH designation in his personnel file. The OIG further recommended that the Board notify ISBE of this matter so that ISBE revokes his teaching license as the Illinois School Code requires given his conviction for indecent solicitation of a child.

The Board terminated his employment and placed a DNH designation in his file. The Board also notified ISBE, which revoked his license.

- *High School Teacher Had a Sexual Relationship With Student for Years, Charged with Sexual Assault and Sexual Abuse (19-01488)*

An investigation determined that a high school teacher engaged in a sexual relationship with a high school student that lasted for a period of years. The teacher was arrested and reportedly confessed to the police that he was having sex with the student.

The teacher was charged in the Circuit Court of Cook County with three counts of criminal sexual assault, 720 ILCS 5/11-1.20(a)(4), and two counts of aggravated criminal sexual abuse, 720 ILCS 5/11-1.60(f). His criminal case is still pending.

The OIG initiated its own investigation and the evidence substantiated the finding that the teacher's misconduct constituted criminal sexual assault, as well as aggravated criminal sexual abuse and criminal sexual abuse. In addition, the OIG

found that his conduct constituted grooming in violation of CPS policy and also constituted prohibited romantic and sexual conduct between staff and students.

During the OIG's investigation, the teacher resigned from CPS, and the Board placed a DNH designation in his personnel file. The OIG recommended that the Board also notify ISBE of the teacher's misconduct. The Board notified ISBE, and ISBE suspended his teaching license.

- *Special Education Classroom Assistant's Sexual Abuse of a Fourth Grade Student Leads to Multiple Felony Charges of Sexual Assault and Exploitation (18-01172)*

The OIG found that a special education classroom assistant placed the hand of a fourth grade girl on his penis over his clothes, grabbed her clothed buttocks and had sexually explicit online communications with her.

Prior to the OIG's investigation, the SECA's employment had been terminated and he had been given a DNH designation after violating a no-contact order that the school's principal put into effect based on his previous interactions with the student. The OIG initiated its investigation after the student's parents brought new concerning evidence to light.

Following a CPD investigation, the employee was indicted in the Circuit Court of Cook County on multiple felony charges, including aggravated criminal sexual abuse, 720 ILCS 5/11-1.60(c)(1)(i); sexual exploitation of a child, 720 ILCS 5/11-9.1(a)(1); and grooming, 720 ILCS 5/11-25. His criminal case is still pending.

Needless to say, in addition to rising to the level of multiple felonies, the OIG found that the SECA's conduct violated CPS policies prohibiting sexual conduct with students and sexual harassment.

The OIG recommended that ISBE be notified to revoke any licensure that the SECA may have. The Board notified ISBE of this matter, and ISBE suspended the SECA's paraprofessional license.

- *High School Teacher's Sexual Relationship with a Student; Criminal Domestic Abuse Charges Filed (19-01110)*

The OIG found that a high school teacher began a romantic and sexual relationship with a CPS student when the student was 17 years old. The teacher met the student at an event outside of CPS and started communicating via text message and social media thereafter. Although the student did not attend the school where the teacher worked, the teacher was aware that she was a CPS student.

The teacher engaged in prohibited romantic and sexual misconduct with the student in violation of CPS policy. The teacher also violated CPS policy that bans staff members from contacting a student's personal cell phone or communicating with students on social media platforms.

The teacher was not charged with any sexual offenses because the sexual contact was consensual (the teacher was not in a position of trust or authority over the student because she taught at a different school and, when the relationship started, the student was 17 years old, the statutory age of consent in Illinois for cases that do not involve an individual in a position of trust or authority over the other). However, the teacher was ultimately charged with committing acts of domestic violence against the student. Her criminal case is still pending.

The OIG recommended that CPS terminate the teacher's employment, place a DNH designation in her personnel file and notify ISBE of the investigation and charges. The Board advised that it will be terminating her employment and giving her a DNH designation. The Board also notified ISBE, but her license remains active.

- *Custodian Had Sexual Intercourse with a High School Freshman, He Was Charged with Multiple Felonies (18-01402)*

The OIG found that a custodian had sexual intercourse with a high school freshman. The student did not attend the school where the custodian worked. They knew each other because the custodian was renting an apartment in the building owned by the student's family.

The custodian was arrested by the Chicago Police Department and charged in the Circuit Court of Cook County with four counts of aggravated criminal sexual abuse, 720 ILCS 5/11-1.60(d), for committing sexual penetration and other sexual acts upon a minor who was older than 13 but younger than 17. His criminal case is still pending.

The evidence established that the custodian had sexual intercourse with the CPS student and that his conduct would constitute criminal offenses if proven beyond a reasonable doubt. Furthermore, the custodian clearly violated the CPS policy prohibiting staff from engaging in sexual conduct with students.

The Board terminated the custodian's employment following his arrest and an interim report from the OIG. A DNH designation was also entered in his personnel file. Accordingly, the OIG did not recommend any further action in its final report.

D. OTHER MATTERS INVOLVING GROOMING OR SEVERE SEXUAL MISCONDUCT

- *JROTC Volunteer Groomed Female Students for Sexual Abuse Offering False Hope of Scholarships; Student Discovered that He Was a Registered Sex Offender; He Was Never Screened by CPS Although He Should Have Been (19-00829)*

A volunteer for the JROTC program groomed multiple female students for sexual abuse. Unbeknownst to CPS, the volunteer was also a registered sex offender who nevertheless was able to make inroads in the CPS JROTC community to such an extent that CPS staff referred students to him for scholarship and post-graduate employment opportunities.

The volunteer became affiliated with the JROTC program by attending on-campus events at several military academies. He attended in his purported capacity as a representative of a veterans' organization that awards scholarships to CPS students enrolled in JROTC programs. Although the volunteer was a member of the veterans' organization, he had no authority to communicate with students about scholarships. A representative from the organization stated that scholarship opportunities are never discussed in person by its members, and after the organization learned of the volunteer's conduct in this case, it initiated proceedings to remove him.

Based on the volunteer's presence at the events and his misrepresentations about his role in the veterans' organization, JROTC instructors referred students to him regarding scholarship and postgraduate employment opportunities. Upon establishing contacts with some female students who were referred to him, the volunteer then attempted to cultivate sexual relationships with them.

Based on what they were told by CPS staff, students were led to believe that the volunteer was a legitimate operator, as he preyed on female students without providing the guidance for which they sought him out.

Under the false pretense of discussing scholarship and employment opportunities, the volunteer had phone calls with several female students during which he made sexually explicit comments. He also arranged meetings with the female students, during which he engaged in unwanted physical contact. In one instance, the volunteer threatened to withhold scholarship opportunities from a student if she told anyone about their interactions.

CPS did not conduct a background check of the volunteer because he was never sent through the volunteer application process, even though his contact with students fit the definition of a Level I Volunteer. The failure to ensure that he submitted to that application process with the requisite background check could not fairly be laid at

the feet of any one staff member. It was a widespread failure. And, notably, while CPS's volunteer policy states that principals are responsible for vetting and approving volunteers, the policy does not direct CPS staff that they must get clearance from their principal prior to engaging a volunteer.

Once the volunteer established a rapport with students, he solicited sexual contact from them under other false pretenses. He claimed to be a medical professional and offered to perform medical procedures and examinations that involved vaginal contact. For instance, he offered to implant an intrauterine device (IUD) into a student's vagina. He also offered to perform a gynecological examination on a student, which he falsely represented was a prerequisite for an employment or internship opportunity. Fortunately, the investigation determined that the volunteer did not actually perform any of these exams or procedures.

When one of the students searched the internet for the volunteer, she found his name on Illinois' sex offender list following a conviction in the late 1990s for aggravated criminal sexual abuse.

Just before the student discovered the volunteer's status as a registered sex offender, she made arrangements with the volunteer to visit a morgue. He had previously told the student that he did freelance work for funeral homes and wanted to transfer his business to the student after she graduated. The student canceled their plans to visit the morgue after she discovered that the volunteer was a registered sex offender.

The volunteer's conviction for aggravated criminal sexual abuse in the 1990s involved taking his female victim to a cemetery under false pretenses.

After the student notified the administration that the volunteer was a registered sex-offender, CPS barred him from all of its properties.

The OIG found that the volunteer's attempted sexual contact with the students likely met the elements of Attempted Criminal Sexual Assault because, given his misrepresentations, there would not have been knowing consent for sexual penetration. The OIG also found that the volunteer's use of false promises to extract sexual favors from students constituted grooming and sexual harassment under CPS policy.

The OIG recommended that all JROTC staff and students, as well as all female graduates from the last three years who were affiliated with the JROTC program, be notified that the volunteer is a registered sex offender who is now banned from CPS property.

The Board advised that, in response to this recommendation, schools with JROTC programs were directed to notify their staff and students that the volunteer is a registered sex offender and has been banned from CPS property. The Board has not confirmed that it similarly notified all female graduates affiliated with JROTC programs within the last three years.

The OIG further recommended that CPS's Office of Student Protections directly contact certain students to ensure that they receive appropriate support. The Board advised that OSP has since contacted the students and their families to offer support.

The OIG recommended that CPS flag the volunteer's file so that this case is considered in the event he applies for a volunteer or employment position with CPS in the future. The Board advised that his file has been flagged as recommended.

Given his posturing in various professions, the OIG recommended that CPS provide a copy of the OIG's report in this matter to the Illinois Department of Financial and Professional Regulation. The Board advised that it has filed a complaint with the IDFPR regarding the volunteer and also submitted that complaint to the IDFPR's ethics director.

One of the problems this investigation revealed is that the volunteer was able to attend school events with CPS staff members, who appeared not to recognize that he had not been approved and vetted as a volunteer or that such vetting was required given his interaction with students that fit squarely within the Level I Volunteer classification. Put another way, CPS policy covered his interaction with students but the procedures for vetting him as a volunteer were never triggered.

Had the volunteer been processed through the volunteer background screening, his designation as a registered sex offender and his criminal conviction for a sex crime would have been flagged. Further, appropriate vetting may have revealed that the veterans' organization he claimed to be representing was unaware of his activities in the schools.

Therefore, the OIG recommended that additional training be provided to military instructors and principals on the procedures for identifying volunteers and confirming that they have been appropriately vetted.

In response, the Board advised that all CPS principals, assistant principals and Network Chiefs subsequently received training on CPS's volunteer policy and that they will receive additional training in this area in 2021. The Board also advised that military instructors received a specific training covering sex discrimination and harassment that addressed the volunteer policy and that training about volunteers will continue annually.

The OIG also recommended that CPS's volunteer policy be revised to mandate that all staff members obtain clearance from their principal before engaging a volunteer. The Board responded that it is considering revisions to the volunteer policy as a result of this matter.

Additionally, the OIG has brought this matter to the attention of numerous law enforcement officials, and CPD currently has an investigation pending, which the OIG has encouraged.

- *Elementary Teacher Sent Sexually Explicit Text Messages to a Former Student While She Was in High School, Exchanged More than 2,000 Text Messages with the Student (18-01663)*

The OIG found an elementary school teacher sent one of his former students sexually explicit text messages while she was in high school. In total, he exchanged more than 2,000 text messages with the student. He also invited her to stay with him at his house and drove her in his personal vehicle unrelated to school. The evidence did not show that any physical sexual contact occurred between the teacher and his former student.

The OIG found that the teacher's conduct constituted sexual harassment under CPS policy. The OIG also found that the teacher would have been in violation of CPS's grooming policy had it been in effect during the period when this conduct occurred. His conduct also violated CPS's policy prohibiting staff from sending text messages to students' personal phones, as well as the student travel policy.

Following the OIG's interview of the teacher, he immediately resigned from CPS. The OIG recommended that the Board place a DNH designation in his personnel file and notify ISBE of this matter so that it can consider revoking his teaching license. The Board placed a DNH in his file and notified ISBE as recommended, but his license is still active.

Additionally, the OIG recommended that the Board notify an apparent employer of his where he was working as a tutor. The Board advised that it is still considering what information, if any, it can share with that employer.

The student also filed a police report with CPD, and that investigation was still pending at the time the OIG closed its investigation.

- *Security Officer's Repeated Sexual Groping of Student (19-00879)*

An investigation determined that a security officer groped and rubbed against a high school junior student's body parts over her clothes when both of them worked as

lifeguards for the Chicago Park District. As lifeguards, the security guard was the student's supervisor.

The Chicago Police Department also investigated this matter, but the Cook County State's Attorney's Office ultimately did not charge the security officer with any criminal acts.

The OIG's investigation found that the security officer violated CPS's policy prohibiting sexual conduct between school employees and students. Even though the security officer was acting as a Chicago Park District employee during these encounters, the policy is in force between staff and students wherever the conduct occurs and regardless of whether the employee works at the school the student attends.

The Board had already terminated the security officer's employment and placed a DNH designation in his personnel file when the OIG completed its investigation of this matter. As such, the OIG did not make any further recommendations.

- *Charter School Teacher Kissing 17-Year-Old Student in a Car (18-00850)*

An OIG investigation determined that a charter school teacher and a 17-year-old student were kissing in the backseat of a car. This misconduct would have violated CPS policy if the teacher had worked at a district school. The OIG also found that her conduct would have violated CPS's guidelines on maintaining professional boundaries with students.

The matter was investigated by the Chicago Police Department, but the teacher was ultimately not charged with a crime because the student refused to cooperate with its investigation.

The charter network terminated the teacher's employment.

The OIG recommended that the charter network place a DNH designations in the teacher's personnel file and that CPS flag her file in the event she applies for a position at CPS. The charter advised that it placed a DNH in her file, and CPS advised that it flagged her file as recommended.

The OIG also recommended that the charter and CPS notify ISBE as well as the teacher's subsequent employer in another school district. The charter declined to notify ISBE or the teacher's subsequent school, and CPS did not confirm whether it notified ISBE or the other school district.

- *Recess Monitor Targeted a Student for Special Attention (18-01553)*

An OIG investigation found that an employee of a CPS vendor who worked as both a recess monitor and a soccer coach engaged in a multi-year pattern of targeted special attention towards an elementary school student. The soccer coach repeatedly told the student that he loved her. He also frequently gave the student gifts, called her nicknames, presented himself to other students and staff as her uncle and took her picture on his cell phone without the student's consent.

Significantly, his conduct towards the student included romantic gestures and he even exhibited romantic jealousy.

The OIG found that, taken together, the evidence demonstrated that the recess monitor's conduct constituted grooming under CPS policy because the evidence showed that it was more likely than not that the purpose of his behavior was to ultimately commit sexual abuse, even though the OIG did not find that sexual abuse occurred in this case. The OIG also found that his conduct constituted sexual harassment under CPS policy and violated CPS's guidelines regarding maintaining appropriate boundaries with students.

DCFS investigated this matter but concluded it was unfounded. The Chicago Police Department also investigated but eventually suspended the case.

The OIG recommended that the recess monitor be personally and permanently debarred from working as a CPS vendor, that his file be flagged for review in the event he applies for a CPS position or is otherwise subject to a CPS background check, and that he be banned from CPS property.

The Board advised that the recess monitor had been banned from CPS property and that his file has been flagged. Further, the Board is in the process of initiating debarment proceedings against him. He was also suspended indefinitely by his employer.

- *Employee Kissed and Groped Student, Used Cocaine with Her (19-01788)*

An investigation determined that a student re-engagement specialist kissed and groped an 18-year-old student, said he wanted to have sex with her, asked her for a nude photograph of her, used cocaine with her and bought her a beer. The OIG found that he engaged in sexual conduct with a student in violation of CPS policy and engaged in sexual harassment in violation of CPS policy. The evidence also established by a preponderance standard that the employee's misconduct met the elements of felony cocaine possession (less than 15 grams), 720 ILCS 570/402(c).

At the time the OIG completed its investigation of this matter, the Board had already terminated his employment and entered a DNH designation in his personnel file for an unrelated matter. The OIG recommended that, if he holds any licenses, the Board should notify the relevant licensing body about the OIG's findings. The Board advised that it notified ISBE with respect to his educator license. The Board has not contacted any other licensing bodies because it does not know of any other license he holds. ISBE records show that his educator license is apparently still active.

- *Academic Coach's Romantic, Sexual Relationship with High School Senior (19-01300)*

An investigation determined that an academic coach, who was employed by a CPS vendor, engaged in a romantic and sexual relationship with a 19-year-old senior. Significantly, when speaking to a staff member at the school, the student referred to the academic coach as his girlfriend, said the two were in love and admitted that they were having a sexual relationship.

The OIG found that the coach engaged in romantic and sexual conduct with the student. Although the employee's misconduct violated CPS policy, because the student was 19 during the period of the relationship, it did not constitute a criminal offense.

The OIG recommended that the Board permanently debar the coach from working as a CPS vendor, ban her from CPS property and flag her file for consideration of this investigation in the event she applies for a position with CPS. The Board subsequently advised that it flagged her file as recommended and that her employer was informed that she is prohibited from working with students on CPS property. The Board also initiated debarment proceedings against her, which are still pending.

In addition, as part of this investigation the OIG found that a second academic coach working at the school failed to report to her supervisor or the school principal when she learned of the romantic relationship between the first academic coach and the student. The OIG found that her failure to report the improper relationship violated CPS policy but, because the student in this case was 19, it did not violate the Illinois Abused and Neglected Child Reporting Act, 325 ILCS 5/4.

The OIG recommended that the Board also permanently debar this second coach from working as a CPS vendor and flag her file for consideration of this investigation in the event she applies for a position with CPS. The Board advised that, while this coach was prohibited from working with CPS students during the pendency of the OIG's investigation, after reviewing the matter the Board decided to lift the ban against her and decided not to pursue debarment against her.

The OIG also recommended that the Board advise the CPS vendor that employed these coaches to review with its staff the CPS policy on reporting child abuse, neglect and inappropriate relations between adults and students. The Board subsequently advised the vendor to review that policy with its staff, as recommended.

- *Security Officer Exchanged Nude Pictures with High School Senior (19-00416)*

An investigation determined that a security officer, who worked at a charter school and was employed by a vendor of the charter, exchanged flirtatious text messages with a high school senior via their personal cell phones, including sending and receiving nude pictures of one another. The OIG found that if the security officer had been a CPS employee, his conduct would have violated CPS policies, which prohibit romantic or sexual conduct between staff and students and prohibit staff from communicating with students via text message.

The OIG recommended that the charter school take appropriate action against the security officer and that CPS flag his file so that this matter can be considered in the event he ever applies for a position with CPS. The charter banned the security officer from its campus, and CPS flagged his file so that he will not be hired in the event he applies for a position with the district.

E. OTHER SEXUAL HARASSMENT, SEX DISCRIMINATION AND SEXUAL MISCONDUCT

- *Special Education Classroom Assistant's Improper Special Attention and Physical Contact with Male Students (19-00524)*

An investigation determined that a special education classroom assistant at an elementary school gave special attention to several male students. He bought them toys and candy, had them over at his home and took them to parks and to dinner in his car. He also had a habit of hugging students, lying down on the floor with them and allowing them to sit in his lap. However, there was no evidence that he was overtly sexual with the students.

Several teachers approached the SECA about stopping this behavior, but the employee was dismissive and continued these behaviors.

The OIG found that the SECA's conduct constituted sexual harassment under CPS policy. The OIG also found that his misconduct constituted sex-based discrimination under CPS policy.

The evidence did not establish that the SECA violated CPS's policy on grooming by building connections with students for the purpose of sexual abuse. There was no

evidence of any overtly sexual conduct, and the evidence did not show that he was ever alone with students outside of school. Notably, all of his conduct with students outside of school was initiated and coordinated through the students' parents.

In addition to the OIG's findings of sexual harassment and discrimination, the OIG also found that the SECA violated CPS's student travel policy (for driving the students in his vehicle), as well as CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended that the Board terminate the SECA's employment, place a DNH designation in his personnel file and notify ISBE of this matter. The Board subsequently terminated his employment and placed a DNH in his file. The Board also notified ISBE, but ISBE records show that his license is apparently still active.

- *Sexual Harassment and Retaliation by High School Teacher (19-01304)*

A teacher at a charter high school texted a student hundreds of times, addressed her as "sweetheart" and "little girl" and called her "special" to him. He also made other students uncomfortable by discussing personal aspects of his sex life during class, asking students which classmates they found attractive and complimenting the appearance of female students.

Additionally, the teacher retaliated against a female student who alleged sexual misconduct against him. Specifically, the teacher withheld academic assistance from the student and made disparaging comments about her to other students.

After being suspended pending the OIG's investigation, the teacher arranged meetings with his former students outside of school and instructed them to conceal the fact that they remained in contact. The charter school eventually terminated his employment and banned him from its property.

While the OIG was still investigating this matter, the teacher was offered a position at a CPS high school, but that offer was rescinded after the OIG notified CPS of the teacher's connection with this investigation.

The teacher subsequently found employment with a different charter network while the OIG's investigation was pending because he was allowed to start working before the completion of his background check, which would have revealed that he was under investigation by the OIG. The teacher was later terminated from the second charter school after it learned that he was under investigation.

Had the teacher been employed at a district school instead of a charter, his conduct would have constituted sexual harassment because it created a hostile learning environment under CPS policy.

The teacher's conduct also would have violated the provision of CPS policy prohibiting retaliation against any person for reporting allegations of sexual harassment. Further, the investigation determined that the teacher's misconduct would have violated CPS's guidelines on maintaining professional boundaries with students, as well as CPS's policy governing electronic communications with students.

The OIG recommended that CPS notify ISBE of this matter and flag his file internally for consideration of this investigation in the event he applies for another CPS position or a position with another charter school or otherwise submits to a CPS background check. The Board advised that it flagged his file as recommended and notified ISBE. However, it is unclear whether ISBE has taken any action with respect to him.

The OIG further recommended that the CPS Law Department examine the process by which he received an offer of employment from CPS during this investigation, and also examine the subsequent charter school's apparent failure to comply with CPS background check procedures, which apply to charter schools. In response, the Board advised that additional measures in this area are ongoing.

- *Safe Passage Worker Sexually Harassed Students He Was Supposed to Protect, Made Lewd Remarks, Invited Student into His Car (19-01137)*

The OIG found that a worker in CPS's Safe Passage Program sexually harassed students he was charged with protecting. Under the Safe Passage Program, workers are assigned along the routes students travel to and from school to provide a trusted adult presence and make sure that the students get to and from school safely. In this case, a Safe Passage worker said to a female student who was walking to school, "Tell me when you turn 18" and "Wish I were younger." He also invited a second female student into his car and followed her when she walked away on foot. On another occasion, the employee drove up to the student and invited her into his car, causing the student to run away.

The OIG found that this conduct constituted sexual harassment in violation of CPS policy. It also violated CPS's guidelines on maintaining professional boundaries with students, which prohibit staff members from singling out students for personal friendship or attention.

The worker was terminated by his employer, a CPS vendor, before the OIG completed its investigation. The OIG recommended that he be permanently debarred from working as a CPS vendor, and that his file be flagged for review and consideration in the event that he applies for a position within CPS or a charter school in the future. The Board advised that it has flagged his file as recommended and that it is in the process of initiating debarment proceedings against him.

- *High School Coach Sent Thousands of Texts to Students, Wrote Love Poems, Bought Concert Tickets and Tried to Control Their Personal Lives (19-00805)*

A soccer coach at a high school sent thousands of text messages via his personal cell phone to two juniors, including messages about hugging them and loving them. He also wrote love poetry for them, purchased concert tickets for them and tried to control their personal lives.

The OIG found that the coach's behavior constituted romantic conduct and sexual harassment in violation of CPS policy and that he also violated CPS policy prohibiting staff from communicating with students via text message. The OIG, however, concluded that his conduct fell just short of amounting to grooming under CPS policy because, under the facts of this case, the OIG could not conclude that his conduct was for the purpose of sexual abuse.

The OIG recommended that the Board terminate the coach's employment, enter a DNH designation in his personnel file and notify ISBE of this matter. He subsequently resigned from CPS, and a DNH was placed in his file. The Board also notified ISBE about this matter, and ISBE revoked his teaching license.

- *High School Custodian Made Sexual Gesture Toward Student, Frequently Stared at Her Body, Made Student Feel Uncomfortable (19-00992)*

A custodian at a high school frequently stared at a female student's buttocks and breasts during a period of several months. He also offered to bring the student food, made a sexual gesture toward the student and sat at the student's lunch table when she was eating in the cafeteria. The custodian's actions made the student feel uncomfortable whenever the custodian was near her.

The OIG found that the custodian's conduct constituted sexual harassment by creating a hostile environment, which is prohibited under CPS policy. The conduct also violated CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline. The Board subsequently terminated his employment and entered a DNH designation in his personnel file.

- *Security Officer's Sexual Overtures, Graphic Comments to High School Senior Including that They Should "Hook Up at Hotels" (19-00944)*

A CPS security officer, who also worked as a security officer at a charter school, told a senior at the charter school that the two of them should "hook up at hotels." He also made explicit and offensive sexual comments about her and asked her specific questions about where she lived. The OIG found that the security officer's actions constituted sexual harassment and sexual conduct with respect to students in violation of CPS policy.

The OIG recommended that the Board terminate his employment and enter a DNH designation in his personnel file. The Board subsequently terminated his employment and placed a DNH in his file.

- *Security Officer's Flirtatious Inquiries, Dismissal of Student's Age (18-01770)*

A security officer at a high school asked a senior in the hallway how old she was, told her she was "cute," and dismissed the student's concerns when she reminded him that she was only 17 years old. Specifically, he replied, "So what's up?" The student then walked away from the situation.

The OIG found that the security officer's actions constituted sexual harassment in violation of CPS policy and violated the CPS guidelines regarding maintaining professional staff-student boundaries.

During the OIG's investigation, the security officer was terminated from his position, and a DNH designation was entered in his personnel file. The OIG did not recommend any further action.

- *Security Officer Grabbed at a High School Sophomore Student and Made Sexually Harassing Comments to Her (19-00357)*

A security officer at a high school grabbed a sophomore's arms and shoulders and made comments such as calling her "baby girl" and telling her "you look pretty." The OIG found that his actions constituted sexual harassment in violation of CPS policy. In addition, his conduct was strictly prohibited by CPS's guidelines regarding maintaining professional boundaries with students.

The security officer retired from CPS during the course of the OIG's investigation, and the Board placed a DNH designation in his personnel file. Accordingly, the OIG did not recommend any further action.

- *High School Security Officer's Pattern of Sexually Offensive Comments and Innuendos Investigated (19-00927)*

An investigation determined that a security officer at a high school made several jokes and comments to students which could be interpreted as sexual references or innuendos. In one incident, the security officer overheard a group of female students discussing "wedgies," prompting a remark from him about their underwear.

In a separate incident, the security officer made a suggestive comment after a male student requested that a female student "gimme some" candy. On another occasion, the security officer referred to a female student's physical appearance as "thick."

The OIG found that the security officer's conduct constituted sexual harassment in violation of CPS policy and that the conduct was also strictly prohibited by CPS's guidelines regarding maintaining professional boundaries with students. The OIG recommended appropriate discipline for the security officer, and the Board subsequently terminated his employment and placed a DNH designation in his personnel file.

- *Security Guard's Romantic Inquiries to Eighth Grader (19-00550)*

An elementary school security guard gave his Snapchat username to two eighth graders and sent text messages to one of them, inviting her to the movies and asking her if she was romantically interested in him.

The OIG found that his conduct violated CPS policy prohibiting romantic conduct between staff and students. The OIG also found that his conduct violated CPS policy prohibiting communications with students via their personal phones, as well as CPS's guidelines on maintaining professional boundaries with students.

During the course of the OIG's investigation, the security guard's employment was terminated and a DNH designation was placed in his personnel file. Accordingly, the OIG did not recommend any further action.

- *Security Officer's Harassing Comments to Eighth Graders (19-00764)*

An OIG investigation substantiated allegations that an elementary school security officer made numerous sexually-charged comments about the physical appearance of two eighth grade girls.

In one instance, the security officer asked one of the girls about her personal relationships and sexual matters directly.

The OIG found that the security officer's misconduct constituted sexual harassment in violation of CPS policy and, further, that his actions were strictly prohibited by CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended appropriate discipline, and the Board subsequently terminated his employment and placed a DNH designation in his personnel file.

- *Security Officer Exchanged Text Messages with High School Student, Told Her to Get in Touch When She Was "Legal" (19-02205)*

An investigation determined that a security officer at a charter high school exchanged text messages with a student for non-academic reasons and, after learning that she was 17 years old, told her to contact him when she was "legal."

The OIG found that, if he were a CPS employee, his conduct would have constituted sexual harassment under CPS policy and also would have violated CPS's guidelines on maintaining professional boundaries with students, as well as CPS's policy prohibiting text communications with students.

The security officer's employer, a vendor of the charter school, terminated his employment during the investigation. The OIG recommended that the charter take any additional action it determined appropriate and that CPS considers this investigation in the event the security officer seeks employment with CPS in the future. CPS placed a DNH designation in the employee's file.

- *Security Officer Stalked and Harassed a High School Student, Invoked His Law Enforcement Officer Status to Gain Access to Her Room When She Was in the Hospital (18-01749)*

An investigation determined that a CPD officer, who was also a part-time security officer with CPS, sexually harassed a high school student. He repeatedly sent her unwelcome text messages, showed up at her house uninvited near midnight; left voicemail messages asking her to text him; pulled her out of class to present her with a gift; and threatened to use his authority as a police officer to gain access to her hospital room to visit her following a procedure.

The security officer also gave gifts and sent text messages to multiple other female students.

The OIG found that the security officer's misconduct constituted sexual harassment and discrimination under CPS policy. The OIG also found that he violated CPS's guidelines on maintaining professional boundaries with students, as well as CPS's policy prohibiting staff from sending text messages to students' personal phones.

CPS terminated his employment and placed a DNH designation in his personnel file shortly after the OIG began this investigation. Accordingly, the OIG did not recommend any further action.

- *Security Officer Sent Flirtatious Texts to High School Senior (18-01593)*

A part-time CPS security officer, who is also a CPD officer, exchanged flirtatious text messages with a high school senior via his personal cell phone and gave the student a gift for his birthday. The OIG found that the security officer's conduct violated CPS policies, which prohibit romantic conduct between staff and students and prohibit staff from communicating with students via text message. The OIG also found that his actions violated the CPS guidelines regarding maintaining professional staff-student boundaries.

During the OIG's investigation, the security officer voluntarily resigned and the Board placed a DNH designation in his personnel file. The OIG did not recommend any further action.

- *A High School Teacher Leered at a Sophomore, Told Her She Was Beautiful and that She Would Look Attractive "In a Bathing Suit" (19-00305)*

A history teacher at a high school told a tenth-grade student that she had a "great body," called her beautiful, and told her that male students would find her attractive "in a bathing suit." During these comments, the teacher looked the student "up and down" and made a "jaw-dropping face."

The OIG found that the teacher's actions constituted sexual harassment in violation of CPS policy and violated CPS's guidelines regarding maintaining professional staff-student boundaries.

The OIG recommended appropriate discipline for the teacher. The Board initiated dismissal proceedings against him, which are still pending.

- *High School Teacher Invaded Students' Personal Space, Stroked Their Hair, Told Students He Preferred Dating Young Women (18-01771)*

A teacher at a high school told students his dating preferences for younger women, making comments such as, "You gotta get them while they're young." He invaded students' personal space, coming up from behind and standing too close to them.

During a conversation about hair "sew-ins," the teacher also touched, stroked and ran his hand through several students' hair. The OIG found that the teacher's behavior constituted sexual harassment in violation of CPS policy and violated CPS's guidelines regarding maintaining professional staff-student boundaries.

The OIG recommended appropriate discipline for the teacher, and the Board subsequently terminated his employment and entered a DNH designation in his personnel file.

- *School Culture Coordinator Called High School Sophomore “Little Caesars” Because She Was “Hot and Ready” (18-01801)*

The school culture coordinator at a high school called a sophomore, “Little Caesars,” implying she was “hot and ready,” like the pizza. The student was fixing her shirt, which was exposing her stomach, as she walked past a group of staff members in the hallway, which included the coordinator. After the coordinator made the comment, the entire group of adults laughed.

The OIG found that the coordinator’s actions constituted sexual harassment in violation of CPS policy, and violated CPS’s guidelines regarding maintaining professional staff-student boundaries.

The OIG recommended appropriate discipline for the coordinator. The Board subsequently terminated his employment and entered a DNH designation in his personnel file.

- *Lifeguard Crossed Professional Boundaries with a Student with Gifts and Comments on Her Personal Appearance (19-00473)*

A lifeguard working at a high school gave a CPS high school senior a scented gift, told her that he liked her and hugged her. He also told her to keep the gift a secret, repeatedly remarked on her physical appearance and told another student to tell her that he missed her.

The OIG determined that the lifeguard’s actions constituted prohibited romantic conduct and sexual harassment in violation of CPS policy. Additionally, his conduct was strictly prohibited by CPS’s guidelines regarding maintaining professional boundaries with students.

The lifeguard’s employment with CPS was terminated during the course of this investigation, and a DNH designation was placed in his personnel file.

The OIG recommended that the Board notify the Chicago Park District, due to the employee’s occupation, and also notify any applicable licensing body. The Board advised that the Park District had been contacted about the matter and that it did not notify any licensing bodies because he did not hold a teaching license and the Board did not know of him holding any other licensure.

- *Several Instances of a Substitute Teacher Touching Students Invasively and Other Misconduct (19-01053)*

An OIG investigation determined that a substitute teacher engaged in several instances of inappropriate physical contact with students, including rubbing a student's shoulder and grabbing her hand, caressing it and making a comment about her nails. He also asked to take a photograph with that student and, when she refused, took her picture anyway without her consent.

In addition, he touched a second student's hair and remarked to her that it was beautiful. He also stared at another student's buttocks.

The OIG found that the substitute's conduct constituted sexual harassment under CPS policy and that it was also strictly prohibited by CPS's guidelines regarding maintaining professional boundaries with students.

The OIG recommended that he be given appropriate discipline. The substitute teacher's employment was subsequently vacated for non-disciplinary reasons, and the Board later entered a DNH designation in his personnel file in response to the OIG's investigation.

- *Repeated Incidents of a Substitute Teacher Touching and Rubbing Students on Their Hair and Faces, Inappropriate and Vulgar Speech (19-00094)*

An OIG investigation determined that a substitute teacher inappropriately touched elementary school students on their hair and faces. He called another student "pretty" while rubbing her face. The investigation found that the teacher told personal stories involving sexual assault and his drug use. He also used vulgar language around and toward students.

The OIG concluded that the teacher violated CPS's sexual harassment policy, as well as CPS's guidelines on maintaining professional boundaries with students. The OIG found that the repeated incidents of him touching students and calling a student "pretty" while rubbing her face created a hostile learning environment for at least one of his students by interfering with her ability to participate or benefit from the class.

The OIG recommended that the Board terminate his employment and that a DNH designation be placed in his personnel file. The Board subsequently terminated his employment and placed a DNH in his file.

- *Teacher Watched Pornography in View of Students (19-00333)*

A teacher used his phone to watch pornographic videos during class and while students were in the vicinity. Students reported seeing videos on the teacher's phone of topless women and a naked man and woman engaging in sex.

The investigation substantiated findings of misconduct against the substitute teacher for violating CPS's sexual harassment policy as well as the guidelines on maintaining professional boundaries with students.

The teacher retired during the OIG's investigation. The OIG recommended that a DNH designation be entered in his personnel file, and the Board subsequently placed a DNH in his file.

- *Teacher Gave Unwanted Hugs to Third and Fourth Grade Students, Had Students Sit on his Knee and Made Offensive Statements About Students' Ethnicities (18-01443)*

An OIG investigation determined that an elementary school teacher had a pattern of hugging third and fourth grade students, contact that was often unwanted by the students. The OIG also found the teacher placed students on his knee on more than one occasion, pinched students' noses and made inappropriate comments about students' ethnicities.

Although the teacher's physical contact with students was not explicitly sexual, the OIG concluded that he violated CPS's sexual harassment policy, as well as CPS's guidelines on maintaining professional boundaries with students.

The OIG also found that the repeated and unwanted hugging of students created a hostile learning environment for multiple students by interfering with their ability to participate in or benefit from the class.

As a result of this incident, the Chicago Police Department was contacted and opened an investigation into potential sexual abuse crimes, which was closed as unfounded.

The OIG recommended that the Board terminate his employment and place a DNH designation in his personnel file. The Board subsequently initiated dismissal proceedings against him, which are still pending.

- *Teacher Kissed High School Student in the School Hallway (19-01685)*

While passing a student in the hallway, a high school teacher kissed the cheek of a female student. The OIG found this conduct amounted to sexual misconduct in

violation of CPS policy and also was strictly prohibited by CPS guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline. The Board subsequently advised that it has initiated dismissal proceedings against him, which are still pending.

- *Investigation Found P.E. Teacher Discriminated Against Students Because They Were Female (19-00625)*

A high school P.E. teacher discriminated against female students by pressuring them to participate in swimming classes while they were menstruating, failing to offer them alternative assignments and giving them failing grades when they chose not to swim during their menstrual periods.

The P.E. teacher's misconduct violated CPS's non-discrimination policy, which prohibits gender discrimination. It also violated CPS's policy on aquatic activities, which provides that students who are unable to participate due to their menstrual cycle must be afforded the opportunity to complete a written assignment in lieu of swimming classes.

The investigation also determined that the teacher retaliated against a student who reported his misconduct by disparaging her in front of another teacher and criticizing her for reporting to the administration.

Additionally, the teacher used profane and intimidating language with a student, which violated CPS's guidelines on maintaining professional boundaries with students. The teacher also had an extensive history of prior complaints.

Given the severity of the conduct and the history of complaints against the teacher, the OIG recommended that the teacher be terminated and that a DNH designation be placed in his personnel file. The Board initiated dismissal proceedings against the teacher, which remain pending.

The OIG also recommended that CPS remedy any adverse effects on students' grades that were related to the teacher's gender discrimination, and the Board advised that this recommendation is still under review.

F. OTHER MATTERS INVOLVING VIOLATIONS OF CPS POLICIES OR GUIDELINES

This section includes all the remaining cases that were investigated by the OIG SAU and were closed as substantiated in fiscal year 2020. The conduct in these cases did not rise to the level of sexual misconduct, harassment or discrimination, but the OIG nevertheless substantiated these matters due to violations of CPS's guidelines on

maintaining professional boundaries with students or violations of CPS policy, such as the policy governing telephone and electronic communications with students or the policy on transporting students in personal vehicles.

These cases are organized under the following categories: gift giving and special attention to students; physical contact with students; offensive comments; other concerning behavior in violation of the guidelines; and other violations of CPS policy.³

1. Gift Giving and Special Attention to Students

- *Special Education Classroom Assistant Gave Special Attention to Group of Students, Gave Them Rides in Her Vehicle and Communicated with Them Via Cell Phones (19-02156)*

A SECA bought food for a select group of elementary students and took them on excursions outside of school. She also gave students rides in her personal vehicle and communicated with students individually via their personal cell phones. However, the OIG found no evidence of grooming or other sexual misconduct. Notably, there was no evidence that she ever made any sexual comments or attempted to cross physical boundaries with students.

Nevertheless, the SECA was in violation of a number of CPS policies including the policy prohibiting staff members from transporting students in their personal vehicles without written permission from administration and the student's parent, the policy prohibiting communications between staff and students via personal cell phones, and the guidelines regarding maintaining professional boundaries between staff and students. Further, the SECA also failed to contact a student's parent or guardian when she was informed about a potentially suicidal student in violation of CPS protocol for such matters.

The OIG recommended appropriate discipline for the SECA, and she was given a five-day suspension.

³ Because many of these cases include multiple different aspects of concerning behavior, they could be placed in more than one of these categories. For example, some cases include offensive comments and physical contact with students, but they are only listed in this report once and so they have only been placed in one of those two categories. The categories only serve to organize these cases generally for the reader.

- *SECA's Personal Relationships with Two Students Violated CPS Guidelines and Multiple CPS Policies (19-00716)*

An investigation determined that a SECA at a high school developed close personal relationships with two students whom she viewed as her “younger sisters.” The OIG began investigating the matter after the SECA participated in a group chat on social media with numerous students while serving as a chaperone on an out-of-state JROTC field trip. In the group chat, the SECA sent messages in an effort to assist the students in circumventing the curfew set by her co-chaperone. During the field trip, the SECA also allowed a student to shower in her hotel room.

The OIG subsequently discovered that, separate from the field trip, the SECA had personal relationships with two of the students who attended the high school where the SECA worked. She exchanged thousands of communications with one of the students and hundreds of communications with the other via their personal cell phones. She also would meet these two students outside of school, go out to eat with them and transported at least one of them in her personal vehicle.

The OIG did not find that the SECA's actions rose to the level of sexual misconduct. Notably, there were no allegations of sexual misconduct, no evidence of any sexual communications or contact and the students stated that she never did anything that made them feel uncomfortable.

However, the OIG found that the SECA violated the CPS guidelines on maintaining professional boundaries with students, as well as the CPS policy prohibiting staff from communicating with students via their personal cell phones or social media accounts, and the CPS policy prohibiting employees from transporting students in their personal vehicles without written permission from the school's principal and the students' parents.

The OIG recommended appropriate discipline for the SECA. She subsequently resigned, and the Board entered a DNH designation in her personnel file.

- *Custodian Gave Cash and Food Items to Eighth Graders (19-00133)*

A custodian at a middle school gave students small amounts of cash, ranging from \$1 to \$5, for helping him clean the cafeteria. He also occasionally gave students snack items. Although this conduct raised concerns of potential grooming, the OIG concluded that it did not rise to the level of sexual misconduct. There was no evidence of any other common grooming behaviors, such as crossing physical boundaries or creating isolated encounters with students, and the gifts were given to multiple students, both male and female.

Ultimately, the OIG found insufficient evidence to conclude that the custodian was using the gifts to develop a personal relationship with any student for the purpose of sexual abuse. Accordingly, his conduct did not constitute grooming under CPS policy.

While the OIG did not conclude that the custodian committed sexual misconduct, his conduct violated CPS's guidelines on maintaining professional boundaries with students, which prohibits singling out any individual student with gifts.

The OIG recommended appropriate discipline, and the Board subsequently gave him a 10-day suspension.

- *Teacher Gave Students Gifts and Took Them on Trips (18-01808)*

An OIG investigation determined that an elementary school teacher gave multiple birthday gifts to a student, as well as numerous gifts to other students for occasions such as birthdays and holidays.

The teacher also communicated with students via his personal cell phone and transported students in his personal vehicle for trips to museums, as well as a fishing trip. However, there was no evidence of any sexual motive in any of the gifts given to students, nor any sexual or inappropriate language in the personal cell phone communication, which related mostly to school-related subjects and students requesting certain gifts for their birthday. No student felt uncomfortable or reported any inappropriate behavior from this teacher and the OIG investigation found no evidence of any romantic or sexual relationship with a student.

Given the evidence, the OIG could not conclude that the teacher's conduct constituted sexual misconduct or harassment. However, his conduct violated CPS's guidelines on maintaining professional boundaries with students, CPS policy prohibiting communications with students' personal phones and CPS's student travel policy. Although the evidence showed that the parents may have orally communicated permission before taking them on trips, the student travel policy requires written permissions from parents and the school principal. The teacher did not obtain these permissions.

The OIG recommended appropriate discipline for the teacher, and the Board subsequently gave him a Level-Three Performance Improvement Plan. However, the matter subsequently went to mediation, where the mediator reduced the discipline to a Level-Two Performance Improvement Plan with a Last Chance Agreement.

- *Special Education Aide Violated Professional Boundaries Guidelines By Giving a Gift to a Fourth Grade Student (19-00802)*

A SECA at an elementary school gave a nominally valued ring to a fourth grader on her birthday. Although this conduct raised concerns of potential grooming, the OIG concluded that it did not rise to the level of sexual misconduct.

There was no evidence that the employee engaged in any other common grooming behaviors, such as crossing physical boundaries with students, creating isolated encounters with them or communicating with them electronically. Additionally, no other instances of gift-giving were reported.

Ultimately, the OIG found insufficient evidence to conclude that the gift was intended to develop a personal relationship with the student for the purpose of sexual abuse. Accordingly, the SECA's conduct did not constitute grooming under CPS policy.

While the OIG did not conclude that the SECA committed sexual misconduct, the OIG found that he violated CPS's guidelines on maintaining professional boundaries with students, which prohibits singling out any individual student with gifts.

The OIG recommended appropriate discipline, and the Board subsequently gave him a written reprimand.

- *Basketball Coach Violated Professional Boundaries Guidelines Through Gifts, Phone Calls and Text Messages with Students (19-01316)*

An investigation determined that a high school basketball coach purchased \$100 shoes for three players on the team. He also called and texted the players on the team on their personal cell phones to discuss matters associated with basketball.

The OIG did not find that the coach engaged in sexual misconduct, but nonetheless found that he violated CPS's guidelines on maintaining professional boundaries with students by giving three of his players expensive shoes, and also found that he violated CPS's policy governing telephone communications with students by calling and texting his players on their personal phones.

The OIG recommended appropriate discipline for the coach, and he was given a three-day suspension.

- *Coach Frequently Texted, Targeted Student for Personal Attention (18-01589)*

A basketball coach at a high school met a player outside of school for non-educational purposes, was connected with that student on social media and had numerous communications with the student over an eight-month period, some

taking place late into the night. The OIG did not conclude that this conduct constituted grooming under CPS policy because there was insufficient evidence that the coach's conduct was for the purpose of sexual abuse. However, the OIG found that the coach violated CPS's guidelines on maintaining professional boundaries because, among other things, he targeted this student for personal attention or friendship. The OIG also found that the coach violated CPS policies by communicating with the student via his personal cell phone, and by connecting with the student on social media.

The Board had already terminated the coach's employment and placed a DNH designation in his personnel file when the OIG completed its investigation in this matter. As such, the OIG did not make any further recommendations.

- *Charter School Teacher Gave Certain Students Special Attention, Communicated with Students via Cell Phone and Social Media (19-00867)*

A teacher at a charter school communicated with students one-on-one via their personal cell phones, and he was connected as "friends" on social media with several students. He also gave certain students special attention and ate lunch off-campus with several students on various instances.

The OIG found insufficient evidence to conclude that the teacher engaged in sexual misconduct or grooming behavior. However, if he had been a CPS employee, his actions would have violated CPS policy, which prohibits staff from communicating one-one-one with students via their personal cell phones. The teacher's conduct also would have violated the CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended that the charter school take appropriate action, and the OIG advised that, if the teacher were a CPS employee, the OIG would have recommended appropriate discipline. The OIG subsequently learned that the charter terminated the teacher's employment.

Further, he was recently hired by a CPS school and CPS is currently reviewing his hiring while considering the OIG's investigation.

- *Charter School Teacher's Out-of-School Contacts with Student Would Have Violated Other CPS Employee Policies, But There Was No Evidence of Sexual Abuse (19-01045)*

An OIG investigation showed that a teacher at a charter school agreed to let a student shovel snow from the teacher's driveway, communicated with the student

via text message and gave the student a pair of used sneakers from the classroom's lost-and-found box.

However, the OIG found that this conduct was not indicative of grooming because the teacher never attempted to meet the student outside of school, nor did he ever contact the student about non-school matters. Although the student attempted to visit the teacher's home, the teacher made no effort to meet the student there. The OIG also found that the sneakers were not given to the student for an improper purpose. The teacher merely assented to the student's request to keep the shoes, which had gone unclaimed for a long period of time.

However, the OIG found that the exchange of text messages would have violated CPS policy if the conduct had occurred at a district school. The OIG also found that the teacher's conduct would have violated CPS's guidelines on maintaining professional boundaries with students, which discourage off-campus interactions that are not school-related, and which prohibit giving gifts to an individual student.

The OIG recommended appropriate action by the charter school and advised that it would have recommended appropriate discipline if the teacher were a district employee. The teacher received a disciplinary write-up and additional training on appropriate boundaries with students. He subsequently resigned from the school.

- *Small Gifts of Money and Trips to Restaurants from Teacher (19-00968)*

A charter school teacher gave a student a dollar bill folded into the shape of a ring and jokingly asked the student to marry him. He also called female students "baby girl" and "princess," gave them small gifts of money and food and took students to restaurants to buy them meals. In addition, the teacher communicated via text message with a student. Although this conduct was highly improper, the OIG did not find that the teacher's conduct was sexually motivated. There was no evidence of other common grooming behaviors, such as crossing physical boundaries or making sexually explicit comments. Moreover, the text messages were not of a sexual nature. Ultimately, the OIG found insufficient evidence to conclude that the teacher was attempting to develop a personal relationship with any student for the purpose of sexual abuse. Accordingly, his conduct did not constitute grooming under CPS policy.

However, the OIG found that the teacher's conduct would have violated CPS's guidelines on maintaining professional boundaries with students if it had occurred at a district school. Additionally, his text message exchanges with a student would have violated CPS policy, which generally prohibits staff members from contacting a student's private mobile device.

The OIG recommended appropriate action by the charter and advised that if the teacher were a CPS employee the OIG would have recommended appropriate discipline. The OIG subsequently learned that the teacher resigned.

- *Bus Driver Gave Cash and Other Gifts to a Student (19-01705)*

The OIG found that a bus driver paid a student \$50 to take attendance and monitor other students' behavior on the bus, promised the student a present for the holidays in exchange for such assistance, gave the student candy bars, advised the student not to tell anyone what the bus driver was doing on the bus and asked the student for her phone number.

The OIG found this conduct to be extremely concerning, as it raised questions of potential grooming. However, there was insufficient evidence to conclude that the bus driver's actions were sexually motivated because he did not engage in other typical grooming behaviors, such as crossing physical boundaries or making comments of a sexual nature. Nonetheless, his actions violated CPS's guidelines on maintaining professional boundaries with students, which prohibit staff members from giving gifts to individual students and from asking them to keep secrets from other adults.

The bus driver was subsequently prohibited from driving any CPS route. The OIG recommended that CPS permanently debar the bus driver from working as a CPS vendor and flag his personnel file for review and consideration in the event that he applies to work at a CPS or charter school in the future. The Board advised that it flagged his file as recommended and that the CPS vendor employing him agreed that he will no longer work with any CPS schools. The Board is also in the process of initiating debarment proceedings against him.

- *SECA Targeted Two Students for Personal Attention and Friendship (18-01366)*

The OIG found that a male SECA communicated with a female seventh grader and a female eighth grader outside of school by contacting the students via their cell phones and social media. He also targeted the students for personal attention and friendship by playing video games with them and giving them gifts, such as a phone case and keychain. After the OIG opened its investigation, the SECA asked the students to delete any electronic messages they had exchanged with him.

Although the electronic messages were not school-related, there was no evidence of sexual misconduct or grooming because the messages were not of a sexual nature, and the SECA did not engage in other typical grooming behaviors, such as crossing physical boundaries or making comments of a sexual nature. However, the SECA's communications violated CPS policy, which prohibits staff members from contacting

students via their mobile devices or social media. He also violated CPS's guidelines on maintaining professional boundaries with students, which prohibit staff members from targeting students for personal attention and giving them gifts. Additionally, the SECA improperly interfered with the OIG's investigation by asking the students to tamper with relevant evidence.

The OIG recommended appropriate discipline, and the Board subsequently terminated his employment and entered a DNH designation in his personnel file.

- *Teacher Drove Student in Personal Vehicle and Bought Her Lunch (19-00448)*

A high school teacher drove an eleventh-grade student in her personal vehicle to get lunch during the student's lunch period and purchased a \$15 lunch for the student. Although the OIG found no evidence of sexual misconduct, by singling out one student and purchasing the student lunch, the teacher violated CPS's guidelines on maintaining professional boundaries with students. The teacher also violated CPS's policy prohibiting staff from transporting students in personal vehicles without the written permission of the principal and the student's parent.

The OIG recommended appropriate discipline for the teacher, and she was given a Level-One Performance Improvement Plan.

- *Recess Coach Gave Pair of Shoes to Student (19-01911)*

A recess coach at an elementary school gave a student a pair of his used "Jordan XIII" shoes. The OIG concluded that he gave the gift to the student in good faith.

There was no evidence of a sexual purpose behind the gift, and there was no evidence that this isolated incident was combined with any troubling conduct. However, the gift was still a violation of CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate action for the recess coach, who was employed by a CPS vendor. The vendor subsequently had him undergo training on CPS's standards of conduct for maintaining professional boundaries with students.

2. Physical Contact with Students

- *Special Education Aide Made Unwelcome Physical Contact with Students (19-01255)*

The OIG found that a SECA made unwelcome physical contact with four male students by touching their backs, necks and shoulders on multiple occasions during

class. The students described the contact as “massaging,” “rubbing” and “patting.” Additionally, the SECA recorded students singing at school with his mobile device and livestreamed the recordings on social media over the students’ objections.

The OIG found that, although the physical contact was unwelcomed, there was insufficient evidence to conclude that it was sexually motivated. The contact was brief in duration, it did not involve sensitive body parts and it took place in the classroom in view of others. However, the OIG found that the physical contact, though not necessarily sexually motivated, was unwelcomed and therefore violated CPS’s guidelines on maintaining professional boundaries with students. The OIG also found that the unauthorized livestreaming of students on social media violated CPS policy on electronic communications.

The OIG recommended appropriate discipline for the SECA. The Board subsequently terminated his employment and placed a DNH designation in his personnel file.

- *Teacher Allowed Student to Touch and Braid His Hair (19-02386)*

A high school teacher allowed a student to touch and braid his hair in the teacher’s classroom while soft music was playing in the background. Although such contact created an appearance of impropriety, the OIG did not find that it constituted grooming or sexual harassment because the student initiated the contact, the incident occurred openly in a classroom during the school day and no other instances of physical contact occurred. However, the OIG found that the teacher’s conduct violated CPS’s guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline, and he was subsequently given a Level Two Performance-Improvement Plan.

- *Substitute’s Improper Touching of a Student’s Clothes (18-01437)*

A substitute teacher at an elementary school made inappropriate contact with a student on two occasions, which included unzipping the student’s sweater and tugging on the sweater in an attempt to move her from blocking a doorway. The OIG found that this conduct violated CPS’s guidelines on maintaining professional boundaries with students. Although the conduct was inappropriate, it did not affect the student’s education and was not severe or pervasive as to constitute sexual harassment.

When the OIG concluded its investigation of this matter, the substitute teacher’s employment had already been terminated with a DNH designation already placed in

his personnel file, due to an unrelated matter. As such, the OIG did not make any further recommendations.

- *Teacher Touched a Student's Face in a Way That Was Not Sexual (19-00264)*

The OIG's investigation determined that a high school teacher pinched a student's cheek while making an inappropriate comment. The OIG found that while this conduct did not comply with CPS's guidelines on professional boundaries with students, it was not sexual in nature.

The OIG recommended appropriate discipline, and the Board advised that he was given a Level-Three Performance Improvement Plan.

- *Teacher Smacked a High School Student's Buttocks (19-00513)*

An investigation determined that a high school teacher smacked the buttocks of a female student as she entered the teacher's classroom. The OIG found that this conduct violated CPS's guidelines on maintaining professional boundaries with students. The OIG did not find that this incident rose to the level of sexual harassment under CPS policy.

The OIG recommended appropriate discipline for this teacher. The Board advised that it initiated dismissal proceedings against the teacher, which are still pending.

- *High School Teacher's Horseplay with Students (19-00134)*

An investigation determined that a high school teacher at a contract school was very friendly with students and engaged in horseplay with them, allowing them to lean against him and adjust his collar. He also allowed students to hug him.

Based on the evidence, the OIG could not conclude that any sexual misconduct occurred involving this teacher. However, the OIG found that he violated CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher, and he was given a verbal warning.

- *Substitute Teacher's Unwelcome Touching of Two Fifth Graders Violated Guidelines on Professional Boundaries but Was Not Sexual (19-00352)*

An investigation determined that a substitute teacher touched and rubbed two fifth grade students' necks, shoulders, faces and hips. One student complained about being touched in this manner and asked the substitute teacher to stop, but she did not stop. The student was made uncomfortable by the substitute teacher's conduct.

The OIG concluded that her touching of the elementary school students, which was relatively brief and occurred in the classroom in front of other students, was not sexual in nature. However, the OIG found that it violated CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the substitute teacher, and she was given a Level-One Performance Improvement Plan.

- *Teacher Touched High School Student in Area Around Her Neck and Shoulder (18-01584)*

A teacher at a high school touched a student in the area around her neck and shoulder during class. On another occasion, the teacher told that student that women should remain in the kitchen, when she desired to write a paper on women's rights. However, the exact content and tone of the exchange was disputed.

The teacher also referred to another female student in class with nicknames, such as "princess" and "queen." The OIG found that his conduct violated the CPS guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher. The Board initiated dismissal proceedings against him, but following those proceedings he was given a Warning Resolution and allowed to maintain his employment with the district.

- *High School Teacher Invaded Personal Space, Touched Students Non-Sexually (19-00199)*

A teacher at a high school invaded the personal space of several students during class by standing too close to them and by touching their shoulders, arms or backs to get their attention. The teacher also used nicknames with students, including "dear," "son," "honey" and "sweetie." The OIG found that his conduct violated CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher, and he was given a Warning Resolution.

- *Security Officer Touched an Eighth Grader's Hips and Shoulders in Hallway (18-01492)*

An investigation determined that on one occasion, a security officer at an elementary school touched an eighth grader's hips and shoulders while escorting her through the hallway for an early dismissal. While the security officer's actions did not amount to sexual misconduct, the OIG found his conduct violated the CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the security officer. The Board subsequently terminated his employment and entered a DNH designation in his personnel file.

- *Teacher Briefly Touched Face of Student (19-02024)*

An elementary school teacher briefly touched a student's face to redirect her attention while speaking to her in the hallway. There was no evidence that there was any sexual intent associated with the touching of the student's face and it was a close call whether this one-off incident constituted actionable misconduct. However, the OIG ultimately found that the teacher's conduct violated CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher, and he was subsequently given a Level-One Performance Improvement Plan.

- *Teacher's Pattern of Invading Students' Personal Space (19-00520)*

An investigation determined that a high school teacher touched a female student's waist while he walked past her in a computer lab and generally stood too close to students.

Students reported telling the teacher he was standing too close and it made them uncomfortable, but he did not stop. Although this conduct was not sexual, the OIG found that it violated CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher. The Board subsequently terminated his employment and placed a DNH designation in his personnel file.

- *Physical Education Teacher Repositioned Students in Gym Class (19-00672)*

An investigation determined that a physical education teacher at an elementary school often touched students, including on their legs, in order to readjust their exercise forms during gym class. The teacher repositioned students "on impulse" without their permission, making students uncomfortable.

While the teacher's actions did not constitute sexual misconduct, the OIG found his actions violated the CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher. In response to the OIG's investigation, he was given a non-disciplinary memorandum of understanding.

3. *Offensive Comments*

- *Elementary Teacher Sent a Student Over 3,500 Texts, Many of Which Contained Profanities. Teacher Also Met with Student Outside of School (19-00998)*

An elementary school teacher improperly communicated via personal text message and Snapchat with a student. In approximately one year, the teacher sent the student over 3,500 text messages. Although her messages were not sexual, they contained vulgar and profane language. She also met with the student outside of school for a non-academic purpose.

The OIG found that the teacher's conduct went far beyond the bounds of a normal and acceptable staff-member student relationship. However, the OIG could not conclude that her conduct amounted to grooming. There was no evidence (or any allegation) that the teacher expressed anything of a sexual nature or that she crossed any physical boundaries with the student.

Nevertheless, the evidence clearly established that the teacher violated CPS's guidelines on maintaining professional boundaries with students. She also clearly violated the CPS policy generally prohibiting staff members from texting or communicating with students on their phones or unauthorized social media platforms.

The OIG recommended appropriate discipline, and the Board subsequently advised that it has initiated dismissal proceedings against her, which are still pending.

- *Substitute Teacher Asked High School Student if He Masturbates (19-01303)*

A substitute teacher admitted to the OIG that he asked a male high school student if he masturbates. The teacher and student were alone in a classroom when he asked the question. The OIG found that the comment clearly violated CPS's guidelines on maintaining professional boundaries with students, but the OIG did not find that it amounted to sexual harassment. Although the student was offended and uncomfortable by the sexual question, the OIG found that the comment was a single, one-off incident, that there was no evidence it evinced an expression of sexual or romantic interest and that it was not so grossly offensive as to create a hostile environment.

The substitute teacher retired while this investigation was pending, and the OIG recommended that the Board consider whether adding a DNH designation to the substitute teacher's personnel file was appropriate. The Board subsequently advised that he was given a DNH designation.

- *Teacher Engaged in Lewd and Crass Conversation with Students (19-00652)*

An investigation determined that a high school teacher frequently used profanity in class, discussed her own drinking habits and generally made inappropriate comments that were sexual in nature to her class. Although the OIG found the teacher spoke to her students in a lewd, crass and sexual manner, her comments did not rise to the level of sexual harassment because, among other things, she did not show any sexual or romantic interest in any student, and her comments were not sufficiently frequent or grossly offensive to create a hostile environment. The OIG, however, found that her comments violated CPS's guidelines on maintaining professional boundaries with students, which specifically prohibit the type of comments made by the teacher in this case.

The OIG recommended appropriate discipline for the teacher, and she was given a Level-Two Performance Improvement Plan.

- *SECA Made Comments of a Sexual Nature to a Student (19-01246)*

A SECA told a student that he would not "get laid" by his teacher after the teacher ran out of Hawaiian leis to give students on Hawaii Day. The SECA also commented to a student that the teacher was physically attractive. The OIG found that the SECA's conduct violated CPS's guidelines on maintaining professional boundaries with students, which prohibit staff members from engaging in sexual banter or innuendos with students.

The OIG recommended appropriate discipline for the SECA, and she was subsequently suspended for four days.

- *High School Custodian's Flirtatious Come-on Made Student Feel Like She Was Being "Cat-Called" in the Street (19-02286)*

An OIG investigation found that a high school custodian who worked for a CPS vendor pulled on the elbow of a student's sweater, looked her up and down and said "Hey, how you doing?" in a flirtatious manner. The incident was witnessed by two other students and a teacher. The student compared the custodian's comment to being "cat-called" on the street.

The investigation did not find that the custodian's actions constituted sexual misconduct. However, the OIG concluded that the custodian's conduct violated CPS guidelines on maintaining boundaries between staff and students.

The OIG recommended that the Board permanently debar the custodian from working as a CPS vendor. The OIG also recommended that the custodian's file be

flagged for review and consideration in the event that he ever applied for a position with CPS or is otherwise subject to a CPS background check. The Board advised that the vendor subsequently disciplined and trained the employee.

- *JROTC Instructor Made Sexual Remark to Female Student (19-01062)*

The OIG found that, after a female freshman informed a JROTC instructor that his fly was unzipped, he asked her, “Was it barking at you?” The OIG found that the instructor’s comment violated CPS’s guidelines on maintaining professional boundaries with students, which prohibit staff members from engaging in sexual banter or innuendos with students.

The instructor retired from CPS during the course of the OIG’s investigation, and a DNH designation was entered in his personnel file. Accordingly, the OIG did not recommend any further disciplinary action.

- *Security Officer’s Comments Made Students Uncomfortable (19-00560)*

A security officer at a high school made comments to students that made them feel uncomfortable. He asked a male student to visit after he graduates, and told that student he had a “pretty name.” Additionally, the security officer told a female student he could see she was not wearing a bra and that she should not wear that kind of shirt without a bra, while making a cupping gesture with his hands, in a reference to the student’s breasts. The OIG found that the security officer’s conduct violated CPS’s guidelines on maintaining professional boundaries with students, but did not find that his conduct rose to the level of sexual harassment.

The OIG recommended appropriate discipline for the security officer, and he was given a 10-day suspension.

- *SECA’s Disrespectful Comment to Student (19-01179)*

The OIG found that, during an argument with a student, a SECA told the student something to the effect of, “Your mother had to get on her knees and back” to get pregnant with you. While this conduct did not rise to the level of sexual harassment or sexual misconduct, it violated CPS’s guidelines on maintaining professional boundaries with students, which prohibits conduct that is disrespectful toward students.

The OIG recommended appropriate discipline, and the SECA received a three-day suspension.

- *Unprofessional Verbal Exchange with a Student (19-00255)*

The OIG found that a substitute teacher touched a second grader's back during a stretching exercise in P.E. class, but there was insufficient evidence to conclude that the contact was sexual in nature.

However, the OIG found that the substitute engaged in a verbal spat with the student, in which he responded to an offensive comment from the student with an offensive comment about the student's mother. The OIG found that the comment violated CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline, and he was given a Level-One Performance Improvement Plan.

- *High School Teacher's Unprofessional Comments to Students (19-00366)*

The OIG's investigation determined that a high school teacher made comments such as "I'm a mean, nasty man" and "watch out, they claim molestation/rape." The OIG found that, in making these comments, he violated CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher. However, following the OIG's investigation, he retired from CPS.

- *Substitute Teacher Made a Vulgar Joke to Students (19-00748)*

An investigation determined that a substitute teacher made a crude and vulgar joke to a group of students. The OIG found that the one-off joke did not amount to sexual misconduct, but did violate CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline, and the Board subsequently terminated his employment and placed a DNH designation in his personnel file.

- *Teacher Failed to Discourage Crude Jokes From Students (19-00402)*

A high school teacher was present while a group of students made crude jokes, and the teacher failed to discourage their behavior. During the conversation in front of the teacher, one of the students was dared to make a crude comment to another teacher and then made that comment to her. The OIG found that, by listening to, and tacitly allowing, the crude jokes by the students, the first teacher violated CPS's guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher, and he was given a Level-One Performance Improvement Plan.

- *Teacher Assistant Made Vulgar Comment to Student (19-00433)*

A teacher assistant at an elementary school improperly interacted with fifth and sixth grade students, including telling an 11-year-old student he had “no meat to beat,” in response to a similar vulgar comment made by the student. He also repeatedly touched students on their shoulders in a way that made them uncomfortable, despite the students’ requests that he stop touching them. The OIG found that the teacher assistant’s conduct violated CPS’s guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline, and the Board subsequently initiated dismissal proceedings against him, which are still pending.

- *Teacher Referenced “Big Boobs” (19-00361)*

An investigation determined that a teacher said or spelled out “big boobs” to a class of fourth grade students as an example of an inappropriate password to use while teaching math in a computer lab. While the OIG found this conduct did not constitute sexual harassment, the OIG did find this was a violation of the guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher, and he was given a Level-One Performance Improvement Plan.

- *Substitute Teacher Showed Student Video of Singer in Bikini (19-01791)*

During class, a substitute teacher at a high school showed a senior a music video on his personal cell phone, which depicted a live performance of a singer dancing in a crop top and bikini. While showing the video, the substitute remarked that it looked like the performer “got balls hanging out.”

The OIG found the substitute’s actions did not amount to sexual misconduct, but he violated the CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the substitute. The Board subsequently terminated his employment and entered a DNH designation in his personnel file.

- *Coach Told Student that She’ll Have to “Run Naked” at Practice (19-00586)*

An investigation determined that the coach of a girls’ high school track team told a student on the team, “I guess you’ll have to run naked,” after the student forgot to bring appropriate attire for practice. The OIG found the coach’s comment did not

constitute sexual misconduct, but his conduct violated the CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the coach. The Board advised that the coach resigned from his position at the school and will be given low-level discipline if he returns.

- *Physical Education Teacher Often Used Sexualized Terminology (18-01479)*

A physical education teacher at a high school often used sexualized terminology, such as “butt” and “nipples,” while instructing students about exercises during gym class. The teacher also commented on a ninth grader’s sports bra in the presence of other students and he either took or feigned taking photos of students on his cell phone, without their consent, for disciplinary purposes.

While his actions did not amount to sexual misconduct, the OIG found the teacher’s conduct violated the CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher. The Board subsequently terminated his employment and entered a DNH designation in his personnel file.

- *Substitute Teacher’s Odd Behavior and Strange Comments (19-00423)*

The OIG’s investigation determined that a substitute teacher at an elementary school made strange statements in his classroom, such as “I see people in the shower” and “I wanna peel your banana.” He also rubbed a piece of paper on the head of a student and grabbed another student by the waist to move him into the classroom.

The OIG noted that at least some of the teacher’s strange comments could have been made as a result of his incomplete grasp of the English language and the idioms that are commonly used. For example, he told the OIG that when he told students that he was going to peel their banana, he meant he was going to remove something objectionable. The OIG found that there was not sufficient evidence to support a finding of sexual misconduct, but that the teacher violated CPS’s guidelines on maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher. The Board subsequently terminated his employment and entered a DNH designation in his personnel file.

- *Lunchroom Monitor Messaged Students on Social Media (19-01087)*

An investigation determined that a lunchroom monitor at an elementary school contacted two female students via social media messaging, including a comment that a student looked bad when she was frowning. Although there was insufficient evidence to conclude that any sexual misconduct occurred, the OIG found that his conduct violated CPS's guidelines on maintaining professional boundaries with students. He also violated CPS's policy generally prohibiting staff from communicating with students via their personal cell phones and non-CPS social media.

His employment with CPS was terminated and a DNH designation was placed in his personnel file shortly after the OIG began this investigation. Therefore, the OIG did not recommend any further action.

- *Dean's Profane Language, Text from Student About Dog-Sitting (19-00378)*

An investigation determined that a dean at a charter high school used profane language at school around students. The OIG also found that the dean provided a student with his phone number in order to discuss the possibility of the student dog-sitting for him. However, after the student texted him that she was available to dog-sit, he did not respond to her. The OIG found that, were the dean a CPS employee, his conduct would have violated CPS's guidelines regarding maintaining professional boundaries with students, as well as CPS's policy prohibiting communications with students' personal cell phones.

Accordingly, the OIG advised that it would recommend appropriate discipline for him if he were a CPS employee. The charter subsequently issued him a written warning.

As part of this investigation, the OIG also determined that a mentor at the same school used his personal phone and social media to contact students regarding academic matters. The OIG found that, even though he was communicating with students about academic matters, if he were a CPS employee, his conduct would have violated CPS's policy prohibiting communications with students' personal cell phones.

During the course of the OIG's investigation, the charter school terminated the mentor's employment for unrelated matters, and the OIG did not make any further recommendations as to him.

- *Security Officer's Comments About Student's Boyfriend (19-00623)*

A security officer at a high school interacted with two female students just outside the school when they were supposed to be in class and did not escort them back into the school or report that they had left to any staff member. The security officer also made a female student uncomfortable by frequently making derogatory comments about her boyfriend and generally giving her unwanted attention. Although these actions did not rise to the level of sexual misconduct, the OIG found that they were inappropriate and in violation of CPS's guidelines on maintaining professional boundaries with students.

The Board had already terminated the security officer's employment and placed a DNH designation in his personnel file when the OIG completed this investigation. As such, the OIG did not make any further recommendations.

4. Other Conduct in Violation of CPS Guidelines

- *Volunteer Leered at Female Students (19-00320)*

A volunteer looked at female students in an inappropriate manner while acting as a judge for a class project at a high school. The teacher facilitating the project witnessed the volunteer looking at the female students' bodies inappropriately while the students were presenting their projects to the volunteer. The volunteer did not appear for his interview with the OIG. While leering cases can be difficult to substantiate given the vague nature of the conduct at issue, in this case, the teacher's unambiguous account provided the OIG sufficient evidence to find the volunteer violated CPS's guidelines on maintaining professional boundaries with students by inappropriately looking at their private areas.

The OIG recommended that the volunteer be permanently banned from volunteering at any CPS school and that his file be flagged if he ever applies for a position at CPS or submits to a CPS background check. The Board advised that his volunteer application was denied and his file was flagged as recommended.

- *Teacher Leered at Eighth Grader at School (19-01150)*

A teacher at an elementary school looked at an eighth grader in the hallway, while the student was speaking with another staff member, in such a manner that made both the student and the staff member uncomfortable.

The teacher also looked at the student on other previous occasions, mainly when the student wore tight-fitting clothing. The OIG found his actions violated the CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher. The Board subsequently gave him a Level-Three Performance Improvement Plan and a Warning Resolution.

- *Teacher's Uncomfortable Looks, Questions About Dating (19-00502)*

The OIG found that a teacher looked at eighth grade female students inappropriately and asked students superficial questions about their dating lives, which made some students feel uncomfortable. The OIG also found that the teacher was friends with and interacted with students on social media. The OIG found that, while the evidence in this case did not rise to the level of sexual harassment, the teacher violated CPS's guidelines on maintaining professional boundaries with students and also violated the CPS policy generally prohibiting staff from connecting with students on social media.

The OIG recommended appropriate discipline, and the Board subsequently initiated dismissal proceedings against him, which are still pending.

- *Substitute Teacher's Strange and Uncomfortable Behavior (18-01694)*

An investigation determined that a substitute teacher at an elementary school had his cell phone out during the school's science fair, looked at numerous female students in a manner that made them uncomfortable and "barked like a dog" at a student. While the substitute's actions did not amount to sexual misconduct, the OIG found his conduct violated the CPS guidelines regarding maintaining professional boundaries with students.

During the OIG's investigation, the substitute resigned from CPS and the Board placed a DNH designation in his personnel file. Because the OIG also learned that numerous other CPS schools had blocked the substitute from teaching at their schools based on other misconduct issues, the OIG recommended that the Board notify ISBE of his misconduct. The Board notified ISBE of the matter. ISBE records show that his substitute teaching license is still active.

- *SECA's Non-Sexual Recording of Student in the Bathroom (19-00219)*

The OIG found that a SECA at a charter high school took a video of a student while he was in the bathroom. The SECA admitted to recording the student through a closed bathroom stall in order to show the student's mother the student's misbehavior in

the bathroom. Although the OIG found that the video itself was not lewd or sexual and was not taken for a sexual purpose, the OIG found that if the SECA were a CPS employee, she would have violated CPS's policy regarding maintaining professional boundaries between staff and students.

The OIG recommended that the charter take appropriate action with respect to the SECA, and the charter issued her a written warning.

- *Custodian Briefly Entered Bathroom With Students Present (19-02235)*

A male custodian at a high school briefly entered the girls' bathroom while two female students were in bathroom stalls. The custodian removed the garbage can and emptied it in the hallway, before returning the garbage can to the bathroom and exiting the bathroom. There was no evidence that he interacted with the students in any way. The OIG determined this conduct violated CPS's guidelines regarding maintaining professional boundaries with students.

The OIG recommended appropriate discipline, and the Board gave him a two-day suspension.

- *Military Instructor Had Erection in Class (19-00543)*

The OIG found that a high school military instructor had an erection during class and while he was standing close to a female student. Although concerning, the OIG found insufficient evidence to conclude he did this for sexual gratification, as opposed to him experiencing an inadvertent erection during class and not reacting appropriately. The OIG also found that the military instructor generally invades students' personal space. The OIG found that he violated CPS's guidelines for maintaining professional boundaries with students.

The OIG recommended appropriate discipline. The Board subsequently terminated his employment and entered a DNH designation in his personnel file.

- *Porter Hid with Students in a Darkened Room (19-00459)*

The OIG found that a male porter at an elementary school hid in a small, dark bathroom with three fourth-grade female students in the back of an otherwise empty classroom for the purpose of scaring another student. The OIG determined that the porter's conduct violated CPS's guidelines on maintaining professional boundaries with students, which discourage encounters that create an appearance of impropriety.

The porter died while the OIG was investigating this matter. Accordingly, the OIG made no recommendations in this case.

- *Security Officer Asked Two High School Seniors for Their Phone Numbers (19-01059)*

A security officer working at a charter high school, and employed by a vendor of the charter, asked two seniors on separate occasions for their personal cell phone numbers with no apparent educational purpose.

While the OIG found no sexual misconduct, if the security officer had been a CPS employee, his conduct would have violated the CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended that the charter school ban him from its property and that CPS flag his file for consideration of this matter in the event he applies for a position with CPS. The OIG subsequently learned that the charter banned him from its property and CPS flagged his file so that he will not be hired by CPS.

- *CPS Vendor Fraternized with Female High School Students (19-00696)*

The OIG found that an employee of a CPS vendor was overly friendly with female students and that his conduct could have been interpreted as flirtatious. This included calling a female student “T-Baby” and fraternizing excessively with female students.

While the employee’s conduct did not rise to the level of sexual harassment or grooming, it violated CPS’s guidelines on maintaining professional boundaries with students, which require that employees maintain a strictly professional relationship with students, and which prohibit employees from using pet names with students.

The employee was removed from the school pending the OIG’s investigation. The OIG recommended the Board take any additional action it deemed appropriate. The vendor subsequently informed the Board that the employee would no longer be working with CPS students.

- *Special Education Teacher Adjusted Himself in View of Students (19-00300)*

A special education teacher at an elementary school on occasion adjusted his genitals during class in view of students and invaded the personal space of a few female students, making them uncomfortable.

The investigation concluded there was insufficient evidence that the teacher’s conduct was sexually motivated, even though students were disturbed by it. However, the OIG found the teacher’s invasion of students’ personal space violated the CPS guidelines regarding maintaining professional boundaries with students.

The OIG recommended appropriate discipline for the teacher, and he was given a Level-Two Performance Improvement Plan.

5. Other Policy Violations, Including Electronic Communications, Student Travel

○ *Lunch Monitor Texted Student and Invited Her to His Home (18-01484)*

A lunch monitor communicated via text message with a high school junior after meeting her on a train. He also invited the student to his home on two occasions, but they never saw each other again. The student did not attend the school where the lunch monitor worked, and their conversations over text message were not related to school.

Although the OIG found that there was insufficient evidence to conclude that any sexual misconduct occurred, the OIG found that his conduct violated the CPS policy generally prohibiting staff from texting students on their personal phones. The OIG also found that he violated CPS guidelines on maintaining professional boundaries with students.

The Board terminated his employment and placed a DNH designation in his personnel file before the OIG concluded this investigation. As such, the OIG did not make any further recommendations.

○ *Security Officer Failed to Report Being Shown a Video of a Sophomore Dancing Partially Nude (19-00349)*

An investigation determined that a sophomore showed a security officer at her high school a video of another sophomore dancing partially nude, in an effort to mock the student in the video.

In response, the security officer simply laughed and walked away. She never reported seeing the video to CPS staff at the school.

While the security officer did not engage in sexual misconduct, the OIG found that she violated CPS's guidelines on maintaining professional boundaries with students. The OIG also found that her inaction violated CPS policy, which requires all employees with reliable information of suspected bullying to intervene and report such information to the proper channels.

The OIG recommended appropriate discipline for the security officer, and she was given a three-day suspension.

- *Security Officer Connected with Students on Social Media (18-01825)*

A security officer at a high school connected with several students on Facebook and Snapchat. The evidence did not warrant a finding of sexual misconduct, but the OIG found that this conduct violated CPS policy, which prohibits CPS employees from connecting with students on social media. The OIG also found that he violated CPS's guidelines on maintaining professional boundaries with students by targeting students for personal attention or friendship and also by asking students to delete their messages from him, which was the equivalent of asking them to keep a secret.

The Board had already terminated the security officer's employment and placed a DNH designation in his personnel file when the OIG completed its investigation in this matter. As such, the OIG did not make any further recommendations.

- *Coach Texted Students and Drove Them to Games (20-00154)*

A basketball coach at a high school sent text messages to players about basketball matters and gave players rides in his personal vehicle to and from games. The OIG found no evidence that the coach ever shared sexual or overly personal content with any student or otherwise engaged in sexual misconduct. Nonetheless, the OIG found that he violated CPS's policy generally prohibiting staff from sending text messages to students' personal phones, as well as CPS's student travel policy, which requires staff to obtain written permission from the principal and parents before transporting a student in a personal vehicle.

The OIG recommended appropriate discipline for the coach, and the Board advised that he was subsequently given a Level-Two Performance Improvement Plan.

- *Non-Sexual Text and Phone Communications with Student (19-01851)*

An investigation determined that a charter high school teacher engaged in occasional text and phone communications with a student. The communications were limited and non-sexual in nature, primarily relating to academics. However, the OIG concluded that, if the teacher had been a CPS employee, rather than a charter employee, her conduct would have been a violation of the CPS policy generally prohibiting staff from communicating with students via students' personal cell phones.

The OIG recommended that the charter school take appropriate action, and the OIG also advised that, if the teacher were a CPS employee, the OIG would have recommended appropriate discipline. The charter subsequently advised that it did not take any action against the teacher.

- *SECA's Non-Sexual Telephone Communications with Student (19-01099)*

An investigation determined that a current SECA at a CPS high school sent a student text messages while she was a paraprofessional at a charter high school and then had one cell phone conversation with him after she was hired by CPS as a SECA. The OIG did not find that any of these communications were sexual. However, the OIG found that her text messages with the student would have violated CPS's policy regarding electronic communications with students if she had been a CPS employee at the time, and her one telephone call with the student technically violated CPS policy regarding communications with students' cell phones.

The OIG recommended that both the charter school and CPS consider the matter and take whatever action, if any, it deemed appropriate. The Board subsequently advised that the SECA will undergo additional training on CPS's standards of conduct for maintaining professional boundaries with students, as well as CPS's policy governing telephone and electronic communications with students.

- *Dean of Students Walked Student Home Without Permission (19-00568)*

The dean of students at an elementary school walked a fourth grader home without parental or administrative permission. He escorted the student home because she was being disruptive and violating the school's dress code by wearing a "short shirt" that exposed her stomach and bra. While there was no evidence that the dean engaged in sexual misconduct, the OIG found he violated CPS policy prohibiting schools from sending students home for dress code violations.

The OIG recommended appropriate discipline, and he was given a Level-Three Performance Improvement Plan.

- *Vendor Took Student Off-Campus Without Permission (18-01294)*

The president of a CPS vendor providing high school students with vocational training took one of the students off school grounds to a convenience store to buy snacks for the students participating in the vocational program.

Although there was no evidence of sexual misconduct or grooming, the president violated CPS's policy on student travel because he removed the student from campus for a non-educational purpose without parental permission.

The OIG recommended that the Board consider this incident when determining whether to debar the vendor and its president, as recommended by the OIG in a larger, parallel investigation discussed above (18-01299). In that case, the OIG found that the company misrepresented itself as a non-profit and failed to deliver student

services it had promised. Based on the findings in that investigation, the OIG recommended that the Board debar the vendor, as well as the vendor's president and vice president, and another related company.

The Board has advised that it is in the process of initiating debarment proceedings against the two companies and two individuals, as recommended.

- *Counselor Drove Student to Medical Clinic (19-01131)*

A counselor who was employed by a vendor to provide student-counseling services in CPS schools provided a high school student with an at-home pregnancy test and later drove the student to a medical clinic without the consent or knowledge of the student's parents. The counselor also communicated with the student via text message in the days that followed to check on the student's welfare.

Although there was no evidence of sexual misconduct, the OIG found that the counselor violated CPS travel policies because she did not have consent from the principal and the student's parents to transport the student. The counselor also violated CPS policy by contacting the student via her private mobile device. However, there were several mitigating circumstances: the student requested that the counselor drive her to the clinic, the counselor did so because she did not feel it was safe for the student to go alone, and the counselor encouraged the student to call her parents from the clinic.

The counselor's organization issued her a verbal warning for her conduct in this case. Given the circumstances of this case, the OIG did not recommend disciplinary action for the counselor but recommended consideration as to whether the counselor and her organization would benefit from additional training on CPS policies. The Board subsequently advised that no further action was needed in this case.

SECTION 7 — NON-SAU CASES INVOLVING ARRESTS OF BOARD EMPLOYEES

The OIG monitors the outcome of cases in which Board employees or vendors are arrested and charged with criminal offenses. The OIG reports on these matters so that the Board can make a determination regarding administrative discipline or other action, as warranted.

- *Teacher in Possession of a Controlled Substance (19-00480)*

A teacher was arrested after breaking a window at a bar while he was off duty. Police reports showed that police officers discovered a bag of pills in his possession at the

time of his arrest. He was subsequently charged in the Circuit Court of Cook County with one count of felony possession of methamphetamine, 720 ILCS 646/60(a), and one count of misdemeanor criminal damage to property, 720 ILCS 5/21(1)(a)(1). However, both of those charges were subsequently dismissed.

Although the charges against the teacher were dropped, the teacher admitted to the OIG that he broke a window at a bar by punching it and that he was in possession of MDMA (ecstasy) at the time of his arrest. He stated that he uses MDMA recreationally, but that he has never been under the influence while he is at school. He also admitted to using sick days at work to attend two of the court hearings in his criminal case.

The OIG found that the preponderance of the evidence supported the conclusion that the teacher committed the drug and damage to property offenses in addition to violating the CPS policy on paid time off by using two sick days to attend court hearings.

The Board advised that the teacher was given a Level-Three Performance Improvement Plan and a Warning Resolution.

- *School Bus Aide Arrested for DUI (17-00010)*

A school bus aide was arrested for driving under the influence (while he was off-duty) and was subsequently charged in the Circuit Court of Cook County with the Class A misdemeanor of DUI with a blood or breath alcohol content of 0.08 or greater, 625 ILCS 5/11-501(a)(1). This charge was subsequently amended to reckless driving. The court fined him and gave him supervision, with community service. Notably, bus aides do not operate school buses while on duty.

The OIG advised the Board of this matter, and the Board subsequently determined that no action was warranted in this case.

SECTION 8 — PERFORMANCE REVIEW OF ADMINISTRATION OF HIGH-STAKES TEST

An OIG performance review of CPS's high-stakes test for third- through eighth-graders found a concerning level of unusually long test durations, high test pause counts and other irregularities among exams administered in the spring of 2018.

Afterwards, as recommended by the OIG, CPS hired a test security expert to help the system overhaul its testing procedures for these computer-based adaptive Reading and Mathematics tests and to best determine how to implement other OIG recommendations. As a result, several significant changes in the district's

administration of this test will launch in January with exams given to certain sixth, seventh and eighth graders seeking fall 2021 selective-enrollment admission. These changes include setting a time limit on a test that elsewhere nationally is untimed, requiring proctors to document the reason for every pause during the test and recording the proctor of each test.

The OIG submitted its performance review, including all its findings and recommendations, to the Board in the fall of 2019. The OIG then publicly reported on this matter in February 2020 via a Significant Activity Report — attached at the end of this Annual Report as the **Appendix** — as well as a presentation during that month’s Board meeting.

The spring version of these annual CPS exams carry unusual weight not only for many CPS students but for Reading and Math teachers, elementary school principals and schools. These higher stakes may have contributed to some of the effects observed by the OIG, but they also warrant the highest degree of test administration security and exam integrity. Instead, the OIG’s review found the test was being administered with insufficient security protocols. The OIG believes the latest changes represent a substantial step forward in test security. In April 2020, CPS’s new test security expert also endorsed the planned policy reforms as “bringing valuable improvements to the security” of CPS testing.

Despite the untimed nature of this test, its national averages for duration range from 48 to just over 70 minutes, depending on the grade and subject tested. However, an analysis by the OIG’s Performance Analysis Unit found that at CPS, one in four spring 2018 tests took at least twice the national average to complete. Some took three, four and five times. In fact, just shy of 30 percent of CPS tests lasted more than a day and a few took at least a week to complete.

The OIG also found that long durations often clustered at certain schools and in certain grades within those schools. And, as the duration of a CPS student’s test increased, so did the occurrence of unusually high growth, although the data did not establish a specific cause for this. However, some CPS students interviewed by the OIG due to unusual results in their schools described improper procedures that could have led to longer durations, such as proctors who rephrased questions for students, read questions aloud, signaled to students when their answers were wrong or told students to write down hard questions and all the answers to those questions on scratch paper that proctors then collected. Although long durations also can occur for benign reasons, these student accounts were concerning. In addition, even benign long durations can cost CPS valuable instructional time.

Notably, CPS's long test durations were getting worse over time, and the test publisher warned the OIG that "when test durations exceed normal test durations by large amounts of time, CPS's ability to make accurate inferences may be compromised." As a result, the OIG found that failure to address CPS's growing durations could put the system's test results at increasing risk.

The OIG also voiced concern over CPS tests with large numbers of pauses, a test function which replaced an existing question with a new one and was conceived for limited use. Pauses also were triggered when a test "timed-out" after 25 minutes without a student answer. OIG interviews of both students and teachers in schools with unusual results indicated some students were timing out questions, in some cases so they could get new questions and especially in higher-stakes grades.

OIG data analysis found that about four percent of CPS tests had been paused at least five times and that such tests were clustered in certain schools. Once again, as the number of pauses increased, so did the occurrence of unusually high growth. The data did not establish the specific cause for this higher growth, but as one expert in educational measurement told the OIG, there was "no educational explanation for why pauses would improve scores" of tests taken by general education CPS students. In addition, the test publisher warned the OIG that "[t]he validity of the assessment can be compromised if tests are paused for the purpose of producing a new question."

CPS test administration rules and training did not help the district's duration or pause situation. They stated that students could take as long as they wanted on a single test, that proctors should allow students "frequent breaks," and that students were allowed to take a single test over "multiple days." CPS training offered proctors no guidance on how long a test should last or what a proctor should do if a student repeatedly timed out questions. At the time of the OIG review, CPS was not monitoring excessive pauses. And, although CPS was auditing some grade-level classrooms in schools where those grades produced unusual results the previous year, those audits were not tied to the proctor who was in the classroom when the unusual results occurred. Finally, contrary to best practices for high-stakes tests, CPS was allowing the same Reading and Math teachers whose evaluations were tied to their students' test results to be the sole proctors of their students' tests.

In the wake of the OIG's performance review, the testing company published new national guidance addressing duration and pause issues that had been raised by the OIG.

The Board has adopted all of the OIG's recommendations, including hiring a test-security expert, to guide its reforms. CPS continues to consult with its test-security

expert and the test publisher concerning spring 2021 exams. But for January 2021 tests used for selective-enrollment admissions, several changes addressing OIG recommendations will be in place that are supported by the testing expert.

Durations: CPS will allot students two, 2-hour sessions, interrupted by a break, to complete each subject exam. Students with IEPs or 504 Plans that call for extended testing times may take three 2-hour sessions for their tests unless other time accommodations are specified. As explained in new CPS training documents, CPS anticipates that “almost all students will be able to complete single-subject tests in one 2-hour session.” Nationally, at least 90 percent of sixth, seventh and eighth graders completed the Spring 2017 Reading and Math tests in 111 minutes or less. Under the new procedures, no student should use more than three testing sessions in one day, so students may spread their tests over two consecutive school days. Students who cannot complete their tests within the new time limits will be allotted one retest, which must be completed in time or be invalidated.

According to CPS, the test vendor has described CPS’s time-limit policy as being “in alignment” with the vendor’s recommendations and that the vendor attested that the policies proposed by CPS “make progress toward addressing the primary issue identified in the Inspector General’s report and, if faithfully implemented, will greatly improve the consistency of test administration procedures within CPS.”

In addition, CPS’s new test security expert has said that moving to a timed test constitutes “a very important step in strengthening test security and protecting test validity.”

Pauses: Proctors will now be required to document the reason for every test pause using a standard process. New training materials explain that pauses should be “rare and reserved for valid reasons” that include emergency bathroom breaks, a student falling ill or unexpected test interruptions. Frequent breaks will only be granted to those students allowed this accommodation in an IEP or 504 Plan and this accommodation must be recorded in the testing software.

Proctors: CPS was prepared to use “disinterested” teachers as primary proctors, with Reading and Math teachers serving as secondary proctors, in the spring of 2020 but could not do so as the test was suspended due to the COVID-19 pandemic. This measure is not needed during the January 2021 administration because such results are not tied to teacher evaluations.

Penalties for improper test administration: New language in a Test Security Agreement that all Proctors and School Test Administrators must sign now

specifically states that “[f]ailure to comply with the obligations set forth in this Agreement may result in discipline, up to and including dismissal.”

An auditable way of recording proctors: The test publisher is unable to record the proctor of each test taken in the 2020-21 school year. As a work-around, CPS is requiring schools to submit testing schedules with proctor assignments for each single subject test in advance of the test window. In addition, schools must submit final proctor records using a standard form at the end of the window certifying every proctor associated with each single subject test. This process will allow the district to match tests with proctors for auditing and other review purposes.

Audits based on proctor as well as test data: CPS will not be able to implement this change until it has accumulated proctor data but plans to do so in the future.

Training: CPS has upgraded its training materials and, as recommended, listed the OIG in them as a place to report testing concerns.

APPENDIX

February 26, 2020, Significant Activity Report:
Administration of CPS High-Stakes Test, Grades 3–8

Office of
Inspector General
Chicago Board of Education
Nicholas Schuler, Inspector General

SIGNIFICANT ACTIVITY REPORT

WEDNESDAY, FEBRUARY 26, 2020

ADMINISTRATION OF CPS HIGH-STAKES TEST, GRADES 3–8**OVERVIEW**

Over the past year, the OIG's Performance Analysis Unit conducted a review of CPS's high-stakes test for third through eighth graders, focusing on the Spring 2018 test. Last fall, the OIG submitted a written report on the results of the review, including numerous recommendations, to the Board of Education and CPS leadership. Since then, the OIG and CPS administration have discussed CPS's response to our report, and CPS has agreed to take action on all OIG recommendations.

In short, the OIG found a concerning level of unusually long test durations, high counts of test pauses and other irregularities during CPS's Spring 2018 administration of this untimed, adaptive test. This occurred in a minority of cases, but enough to be worrisome and to warrant action.

Specifically, we found that tens of thousands of CPS students are taking at least twice the national average duration to complete their tests, and some are taking three, four and five times. The test vendor has warned that excessive durations can make it difficult to accurately compare CPS results to national norms. As it stands now, CPS's average durations have been above national norms since at least 2016 and increased even more in each grade and subject in 2017, 2018 and 2019.

The OIG also is concerned that a small number of tests — about 4% — had at least five pauses each. Some were paused 10, 20 and even more times. Some of these pauses could reflect attempts to game the test, which could compromise the results.

Excessive durations and pauses can occur for benign reasons. Importantly, even if benign, such irregularities risk making CPS results less meaningful. This is a major concern, given the many ways CPS uses these results.

However, in untimed tests that carry stakes for students, teachers, principals and schools, high durations and pauses also could be indicative of improper attempts to win higher scores or gains. OIG interviews with a small sample of 20 students and 10 teachers suggested this might be the case in certain instances. To be sure, data alone cannot say whether high durations and pause counts are due to improper motives. The OIG also has not sustained here any individual cheating cases. The OIG does not have — and perhaps no office has — the resources to do a deep individual dive into a significant number of unusual 2018 tests. Accordingly, the OIG has taken the approach that improving the administration procedures and general security of the test going forward is the far better solution from a cost-benefit standpoint.

During its performance review, the OIG had extensive exchanges with the test vendor and in the wake of the OIG's review, the vendor has published clearer guidance on some of the duration and pause concerns raised by the OIG. This further reinforces the need for swift action.

It is worth noting that many of the issues discussed in this report may well have arisen because this untimed, adaptive test may not have been designed with CPS's multiple high-stakes pressures in mind. It's possible that some unknown level of gaming or cheating sits in the mix of potential reasons for the high durations and pause counts. The recommendations the OIG has made — and which CPS is acting on — are intended to ensure that this test can be used effectively for CPS's current purposes. At some point, CPS might want to consider whether this test is the right test for its multiple high-stakes needs.

RECOMMENDATIONS

Based on the OIG's performance review, the OIG has recommended that CPS overhaul its procedures for administering and monitoring this untimed, high-stakes test by:

- Reducing durations, preferably by establishing test time limits for general education students.
- Taking concrete steps to shrink pause counts.
- Finding an auditable way to record each test's proctor, preferably in a test data field, so test results can be analyzed by proctor.
- Using new proctor data to identify which proctors to audit during testing, rather than which grades and subjects per school.
- Barring those Math and Reading teachers whose evaluations are tied to the growth of their students' test results from being their students' sole proctors. Even the test vendor recommends two proctors in high-stakes situations.

- Bolstering CPS test training and a five-question quiz that must be passed to proctor the test. Clear examples of improper behavior should be covered. The OIG should be cited as an office to be contacted about test-irregularity concerns.
- Inserting penalties for test cheating in the Test Security Agreement all proctors must sign.
- Hiring a test security expert to help CPS implement these and other reforms, including improving the criteria for identifying classrooms to be flagged and/or audited as well as the auditor checklist, and expanding CPS's test data information. If the testing company cannot provide needed reforms, the test security expert should help CPS write an RFP for a new test contract.

CPS RESPONSE

CPS has committed to implementing all OIG recommendations with the support and guidance of a test security expert.

METHODOLOGY

The OIG analyzed CPS Reading and Math tests, grades 2 to 8, given in the Spring of 2016, 2017 and 2018, focusing mainly on 2018 tests and durations, pauses and score gains. The OIG then interviewed 20 students and 10 teachers, almost all in schools with unusual results, and spoke with the test vendor and other testing experts.

TEST STAKES

The test in question is so integral to so many aspects of CPS that the accuracy of its results is paramount.

This tests' results impact, in varying degrees: student promotions in third, sixth and eighth grades; for seventh graders, admission to selective enrollment high schools and programs; the teacher evaluations of Math and Reading teachers; principal evaluations; Independent School Principal status; and the School Quality Rating Policy levels set annually for most schools in the system. The test results of students from four "Priority Groups" carry extra SQRP weight.

The tests' results also help drive curricular decisions on the school and district level that can involve CPS resources.

DISTINCTIVE TEST FEATURES

The test in question is CPS's primary assessment for grades 2 through 8. The Math test contains 52 or 53 questions. The Reading test contains 42 to 43 questions. The test's distinctive features include:

Untimed — Both Diverse Learners and Non-Diverse Learners can take as long as they need to complete the untimed test. The test vendor expects the test to be finished in 45 to 75 minutes, according to one company blog. A sample testing schedule created by CPS generally allots one hour for the test.

To guide school districts, in August of 2018 (after CPS took the tests analyzed in this report), the test vendor released the average duration of each test by grade and subject. In that document, the national average duration for Reading and Math tests in grades 3 to 8 ranged from 57.7 minutes to 70.7 minutes, based on all students nationally who took the Spring 2017 version of the test.

Computer-adaptive — The test is administered on a computer and adapts to a student's ability level. Thus, a correct answer is followed by a harder question and an incorrect answer is followed by an easier question. Students are expected to get half the questions at their achievement level right and half wrong.

Pauses — A proctor can pause the test while a question is on the screen if a student needs a bathroom, water, lunch or wiggle break. Once a proctor resumes the test, a question appears that is of similar difficulty to the paused one. This feature is designed to ensure breaks cannot be used to obtain answers to pending questions.

Time-outs — Generally, after 25 minutes without an answer a test will “time out” and send students back to the login page. The proctor then must resume the test, resulting in a new question of similar difficulty.

DURATION FINDINGS

The OIG found that in the Spring of 2018, in every tested grade, the average CPS student took longer than the national duration¹ average to complete their tests.

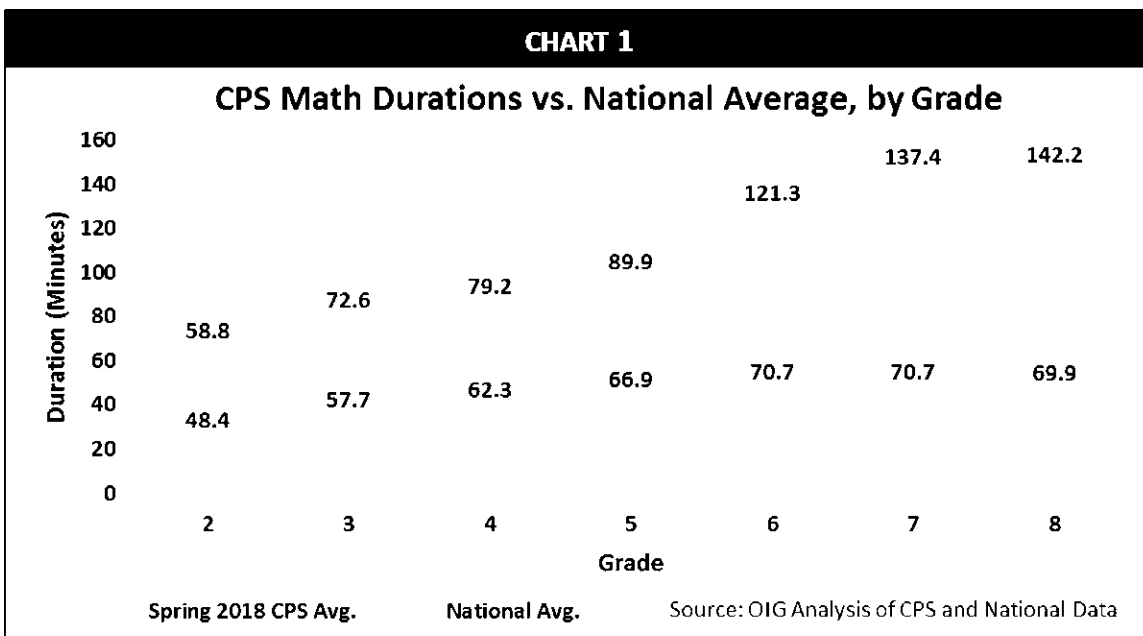
Chart 1 shows these results for Math; Reading results are similar.

CPS's high durations were not driven by Diverse Learners who needed extended time. In fact, as indicated in **Appendix A**, an OIG analysis found that Diverse Learners were less likely to have long tests than non-Diverse Learners.²

In particular, the gap between national duration norms and CPS average Math durations significantly increased in grades six, seven, and eight — all of which carry stakes for students.

¹ Durations reflect the time spent on questions that students actually answered. All time spent on questions that eventually timed out or were paused is excluded from duration counts.

² A similar analysis conducted by the OIG after the performance review was completed indicated that English Learners also were less likely to take longer tests than other students.



There could be many benign reasons for long durations, including the high stakes some CPS students face. However, even if long durations are benign, some unusually long tests can be an inefficient use of student and teacher time. In addition, long durations can be problematic for other reasons.

The test vendor warned that it compares CPS’s results to those of a national norming sample so “for the inferences from that comparison to be accurate, CPS testing conditions should be reasonably reflective of testing conditions of other schools” that take this test. Durations that vary excessively from the norms “may pose a risk to the accuracy of inferences” made from CPS results, the test vendor said.

An OIG analysis of Spring 2018 CPS duration data found that tens of thousands of CPS tests well exceeded national duration norms, as shown in **Table 1**.

One in four CPS tests took at least twice the national norm to complete; some took three, four and five times the national average.

Plus, tests with long durations tended to concentrate in certain schools. Twenty percent of tests that were at least three times as long as the national norm were clustered in three percent of schools, an OIG analysis found.

In addition, about 30 percent of CPS’s Spring 2018 tests took multiple days to complete, the OIG found. Some students and teachers described tests that took a week or more.

Table 1: CPS Test Durations vs. National Norm

2018 Test Duration vs. National Norm	# of Tests	% of Tests	Students*	Schools**
All CPS 3rd – 8th grade tests	320,561	100%	160,906	498
At least 2 times the national norm	82,824	25.8%	55,630	495
At least 3 times the national norm	24,269	7.6%	17,853	482
At least 4 times the national norm	7,448	2.3%	5,832	401
At least 5 times the national norm	2,388	0.7%	1,966	258

*Reflects number of students with the indicated duration ratio on at least one test.

**Reflects number of schools with at least one test with the indicated duration.

Source: OIG Analysis of CPS Data and National Duration Data.

Importantly, CPS’s duration problem is getting worse over time.

The average duration of CPS tests in every grade 3 to 8 was above the national duration norm in the Spring of 2016, and those durations increased every year in every grade in both 2017 and 2018.

Table 2 shows the double-digit increases in each grade over those three testing cycles. In each subject, the biggest duration hike was in seventh grade, where results impact selective-enrollment high school admissions.

Table 2: Increases in Avg. CPS Spring Durations from 2016 to 2018

CPS Grade	Math Increase	Reading Increase
3	12.4%	17.2%
4	12.5%	21.7%
5	10.7%	22.6%
6	17.4%	18.5%
7	22.2%	24.0%
8	18.0%	18.5%

Source: OIG Analysis of CPS Data.

A more recent OIG analysis indicated that CPS’s average durations increased yet again in the Spring of 2019 in every grade and subject tested.

Thus, if no action is taken, CPS durations may continue to move farther and farther from national norms, putting the accuracy of some results at increasing risk.

In addition, some might contend that spending multiple days on a 53-question test that the average student nationally completes in roughly an hour is a questionable use of instructional time. Even the test vendor warns in a blog that “An efficient measure of student learning shouldn’t have the student away from the classroom for several hours at a time.”

The test vendor has suggested that CPS reserve the right to retest students whose test durations are too long, but was unable to tell the OIG what it considered an excessive or problematic duration as it had not done research on this issue.

Two independent testing experts told the OIG that they do not favor using an untimed test in a high-stakes situation.

Marc Weinstein, chief of investigations at Caveon Investigative Services, recommended that high-stakes tests be administered in a single setting or in discrete, timed parts. “There are too many things that can happen during those breaks that can affect the validity of the test results,” Weinstein said.

Gregory Cizek, a professor of educational measurement and evaluation at the University of North Carolina at Chapel Hill and past president of the National Council on Measurement in Education, told the OIG that he “would definitely set a time limit” for tests that carry stakes for teachers. With an untimed high-stakes test, this expert said, “Educators have absolutely no incentive to tell kids to finish. If I know my rating depends on this, I’m gonna tell them to keep checking their work and taking their time. I’m not going to pressure that kid to finish.”

To address the duration issue, the OIG recommends that CPS try to establish time limits for general education students. If the test vendor will not sanction such limits, CPS may want to consider setting rules for the retest of students whose durations exceed a certain amount of time or weigh switching to a different, timed test.

DURATION UPDATE

In the wake of the OIG’s performance review, which involved multiple exchanges with the test vendor, the test vendor published new December 2019 guidance on maintaining the integrity of its test, including more specific duration information.

The vendor noted that between Spring 2014 and Spring 2018, the test’s average national duration had increased by 21 minutes in Reading and 17 minutes in Math. Pressure on teachers to improve scores could be one reason for this, the vendor said. It added: “We are increasingly concerned that assessments may be taking longer to complete than is necessary to produce an accurate score.”

In this new guidance, the vendor recommended that districts create procedures stating that:

- Average test durations of classrooms and grade levels “should not substantially differ” from its published norms.
- Durations should “remain relatively consistent across terms.”
- Durations should be monitored periodically to ensure consistency across schools, classrooms and terms.

The updated guidance did not set a clear standard for excessive durations, but did offer examples of problematic durations. That included one fifth-grade class that averaged 150 minutes on a Spring test in an unnamed subject. The class’s 2.5-hour

average was beyond the 99th percentile for fifth-grade tests nationally, and was “unreasonably long, given that there is no reason for students to need to average 2.5 hours to complete [the test]. Durations this long invalidate comparisons between [these] students’ test results and [the test’s] norms, because the conditions vary so much from the typical test durations.”

This latest guidance makes it all the more imperative that CPS find a way to rein in its durations to protect the validity of comparisons to national norms and therefore the utility of CPS test results.

PAUSE FINDINGS

CPS rules for administering its high-stakes test allow even general-education students to take “frequent breaks,” according to CPS training materials. Bathroom, water or wiggle breaks are only supposed to occur while a test is paused.

Also, generally, if a question is on a computer screen for 25 minutes without an answer, the test will time out and send the student back to the login page. The proctor must then resume the test.

Both pauses produced by proctors to provide testing breaks and time-outs resulting from student inactivity were counted as pauses in custom reports requested by the OIG. Current data does not distinguish between the two.

Current CPS rules allow even general education students to take their tests over “several days,” according to CPS training materials. To continue the test a second day, it would have to be suspended at the end of the first day — an action the test vendor counts in custom reports as a pause.

Nearly 48 percent of CPS tests in Spring 2018 involved no pauses at all, and thus were taken in one sitting without any breaks or pauses. Conversely, about 52 percent of tests had at least one pause.

More importantly, as indicated in **Table 3**, more than 12,000 tests had at least five pauses. More than 1,600 had at least 10 pauses and more than 200 tests had 20 or more pauses. At a handful of schools, some individual tests had more than 40 pauses, according to special counts provided to the OIG by the test vendor.

Some might question whether pauses were mostly taken by Diverse Learners whose IEPs allowed breaks. This was not the case. A much larger percentage of non-Diverse Learners’ tests had at least 10 pauses than those of Diverse Learners, as indicated in **Appendix B**.

As with longer durations, higher pause counts tended to cluster in certain schools: 20 percent of tests with at least five pauses were concentrated in 1.7 percent of schools.

Table 3: CPS Tests by Number of Times Paused or Timed Out

	Total	0	1-4	5-9	10-14	15-19	20+
Tests	302,993	145,424	145,388	10,524	1,149	290	218
Students*	152,128	91,221	94,309	8,904	1,053	268	180
Schools*	463	459	462	401	165	60	24

*Reflects students and schools with at least one Reading or Math test in the indicated pause range.

Note: The OIG did not receive pause data for some tests. Those tests are excluded from this analysis.

Source: OIG Analysis of Spring 2018 CPS Data from Grade 3-8 Tests

One OIG analysis made clear that the percent of CPS tests with at least five pauses increased as grade levels increased.

Table 4: Pct. of Tests w/ 5 or More Pauses by Grade

Grade	% of Tests w/ 5+ Pauses
3	1.7%
4	1.8%
5	2.3%
6	4.6%
7	7.0%
8	7.1%
All	4.0%

Note: The OIG did not receive pause data for some tests, which are excluded from this analysis.

Source: OIG Analysis of CPS Spring 2018 Test Data

As shown in **Table 4**, a significant jump in the percent of tests by grade with five or more pauses occurred in seventh and eighth grade. These tests can impact high school admissions and eighth-grade graduation, so they have especially high stakes for students.

The OIG interviewed a small sample of students and teachers from schools with unusual results, including high pause counts, to probe why high pause counts might be occurring.

In doing so, the OIG was told that in a few classrooms, proctors were pausing the test to allow students to skip difficult questions.

Such tactics are an improper use of the pause function, the test vendor said. “The validity of the assessment can be compromised if tests are paused for the purpose of producing a new question,” the vendor told the OIG.

In several interviews, both students and teachers told the OIG that in some cases kids were intentionally timing out questions so they could get new questions.

For example, one CPS seventh grader told the OIG that her classmates would rather let a question time out than guess and be wrong. “We were so worried about high school,” the seventh grader said. “Guessing — we would never do that.”

According to the test vendor, an “assessment’s validity may be compromised” if students intentionally time out hard questions so they can get new questions.

“In general, there is no reason for a student or proctor to allow a question to time out,” the vendor told the OIG. Doing so “should be considered a possible ‘gaming’ practice.”

As a result of these findings, the OIG is recommending that proctors be given clear instructions during training on how the pause function works and how to prevent its abuse. The test vendor has suggested that proctors be required to document all time-outs and that students with excessive pauses be required to retake their tests. However, given the closeness of CPS Spring tests to the end of the school year, presumably large numbers of retests would be difficult to manage.

UPDATED PAUSE GUIDANCE

Recent guidance from the test vendor, released in December of 2019, publicly affirmed some of the information the vendor had shared with the OIG concerning pauses. This new public guidance stated that pausing a test in order to replace a hard question with another question is an “unsupported” practice that “could affect the validity of the assessment.”

As an adaptive test, the guidance said, the test was designed “with the expectation that students would be given challenging items that they were likely to get wrong about half of the time, and with the expectation that students would attempt those items. If the pause function is used to skip items that are perceived to be too difficult, then item responses that are essential to the accuracy of the measure are not considered in assessing the student’s achievement. This could make the resultant score invalid.”

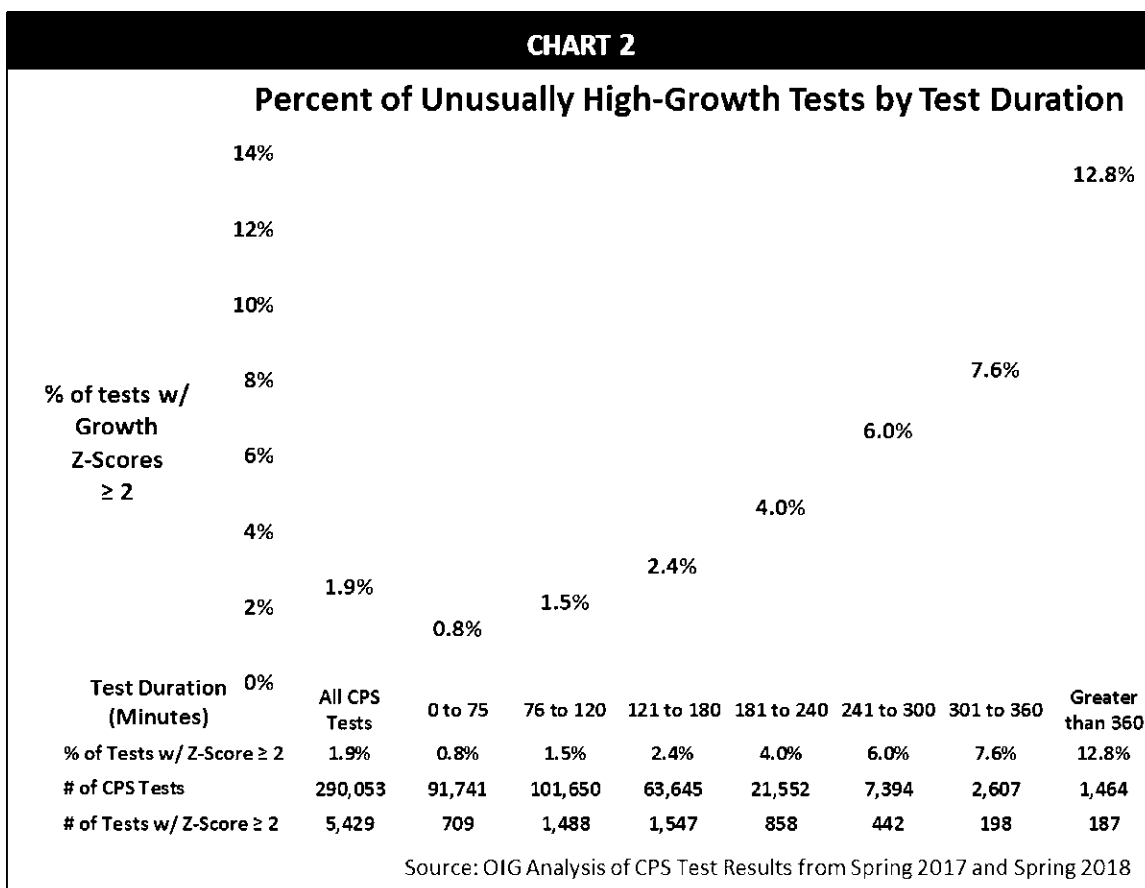
This new guidance makes it clear that CPS must rein in improper pause tactics to protect the validity of its test results.

GROWTH FINDINGS

There are many legitimate reasons why a student’s test may show unusually large gains. This can include that the student’s previous test was uncharacteristically low; the student made large strides in language proficiency from the previous year; the student was diagnosed with a learning disability and given needed accommodations for the first time; or a student clicked with a particularly effective teacher, a new curriculum or a new learning strategy.

However, an OIG analysis found that a higher percentage of high-growth tests occurred among very long-duration tests, as indicated in **Chart 2**.

The OIG analyzed student growth by comparing each test’s score gain from Spring 2017 to Spring 2018 to that of other CPS tests in the same subject and grade with the same Spring 2017 score.



The OIG defined “unusually high growth” as two or more standard deviations above the average growth of comparable tests — also known as a “z-score” of at least 2. Only 1.9 percent of CPS 2018 tests in grades 3 to 8 met this standard.

An OIG analysis found that a larger percentage of high-growth scores occurred among tests that were much longer than the typical nationwide test. The OIG’s analysis looked at the frequency of high-gaining tests broken down by duration ranges and found that as durations increased, so did the occurrence rate of high-gaining tests.

By the time a student was taking 5 or 6 hours (or 301 to 360 minutes) to complete the test — most likely spilling over into at least a second day of testing — 7.6 percent, on average, were posting unusually large gains. That’s four times the system-wide average of 1.9.

Students who took more than 6 hours to complete their tests were producing more than 6 times as many high-gaining tests as the average 1.9 percent systemwide.

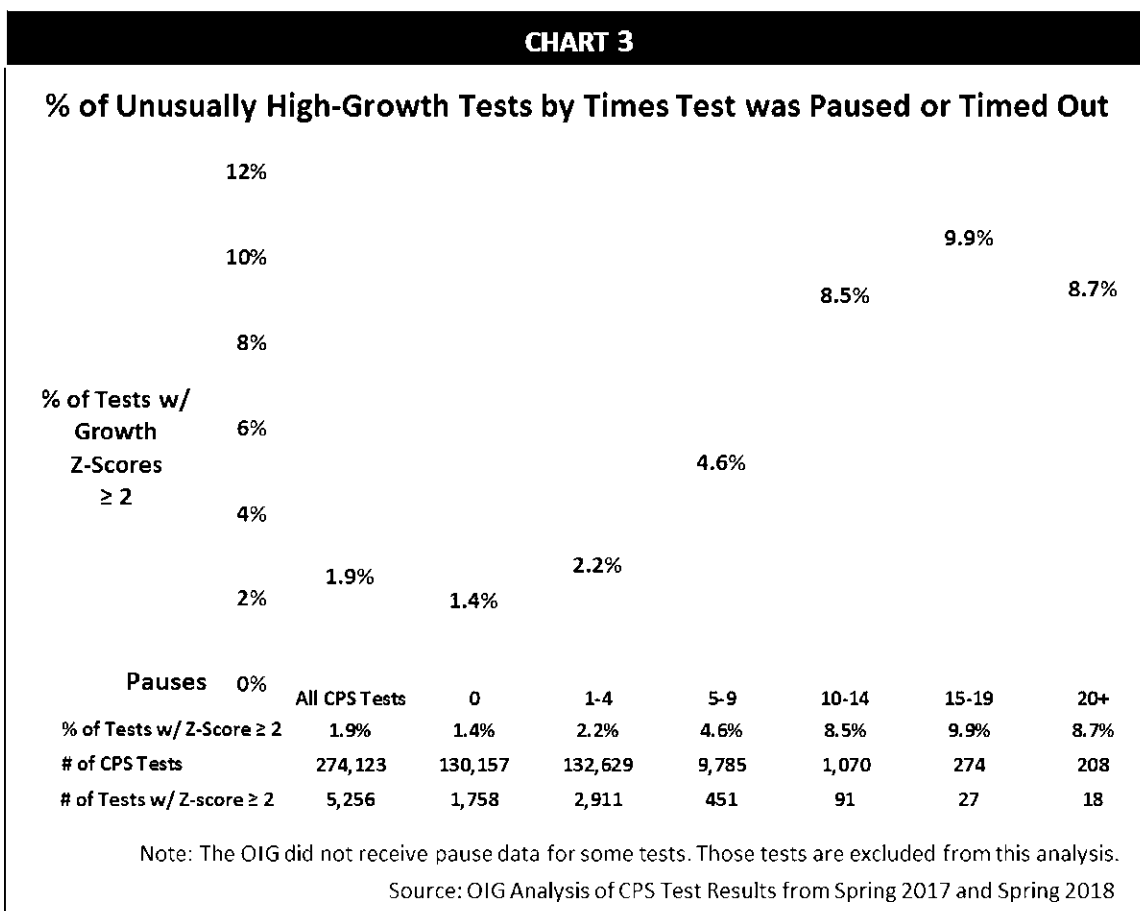
Although Diverse Learners had a higher rate of achieving an unusually high-growth score in each duration band, both Diverse and non-Diverse Learners who spent

longer on their tests produced a higher rate of high-gaining scores than those whose durations were typical nationally.

CPS has emphasized that the OIG’s analysis does not show a systemwide correlation between duration and academic growth. However, this was not the purpose of the OIG’s analysis. Instead, the OIG sought to determine whether those CPS tests that were very long had a greater frequency of unusual growth. According to Cizek, an educational measurement expert, a correlation analysis “masks the relationship between these variables” while the OIG’s charts “describe the relationship in the most accurate way.” Cizek said the OIG’s charts depict a “strong relationship” between these variables.

As with durations, the OIG analyzed the distribution of unusually high-gaining tests among those with high pause counts.

CPS tests with 5 to 9 pauses had unusually high growth nearly 2.5 times more often than CPS tests overall, **Chart 3** shows. Tests with 10 or more pauses had unusually large gains 4 to 5 times more often than the CPS average.



The occurrence rate of unusually large gains among both Diverse Learners and non-Diverse Learners was higher for those with more pauses. This is curious, because as one testing expert told the OIG, other than for students with special needs who require accommodations involving breaks, there's "no educational explanation for why pauses would improve scores."

When the OIG talked to students and teachers in schools with unusual results to probe possible reasons for high pause counts and long durations, the OIG was told of some tactics that could have boosted pause counts or durations and could have improved scores.

These interviews occurred with a very small subset of the more than 150,000 students who took the test, and were not intended to reflect a representative sample of the district. However, in several cases the OIG heard similar concerning anecdotes involving multiple schools or multiple classrooms within the same school.

Some pauses clearly could be benign, but the way that high pause counts tended to cluster in certain schools and the comments of students at some of those schools indicated that the pause function was being abused in some cases.

All of the improper techniques described to the OIG occurred at the instigation of, or with the acquiescence of, the test proctor. Therefore, the OIG strongly recommends that CPS find an auditable way of recording the proctor of each test.

The test vendor does not currently provide such data, but two other major testing companies have told the OIG that they do. The OIG believes that collection of this data alone would serve as a deterrent to improper practices. The OIG has recommended that such information be used to identify classroom audit sites, rather than tying one year's audits to how a certain grade in a school performed in a certain subject the previous year.

CPS AUDIT RECOMMENDATIONS

In April of 2018, the CPS Office of Internal Audit and Compliance released an audit concerning the testing protocols and detection methods used by CPS during the administration of the test. This Audit had been done at the request of the CPS Departments of Student Assessment and School Quality Measurement and Research.

This audit found that CPS's "detective controls" surrounding the administration of the high-stakes test as well as its "preventive controls" needed strengthening. Audit proposed a long list of recommendations to address these issues.

As a result, among other things, CPS boosted its preventive training efforts, created a new method of detecting unusual test results that warranted audits in a joint effort among several departments, and audited a much larger number of classrooms in 2018 and 2019 than in 2017.

While the CPS Audit clearly resulted in reforms, the OIG also found that some key Audit suggestions were never executed, were partially executed or were inadequately executed.

For example, CPS did not implement Audit recommendations or suggestions that:

- CPS try to rotate proctors so teachers would not be proctoring their own students. In guidance on giving high-stakes versions of its test dated January of 2017, the test vendor recommended that teachers of record be accompanied by a second proctor with no direct stake in the test.
- the Test Security Agreement that all proctors were required to sign include a warning of the penalties for violating test administration rules.
- CPS use pause³ data as part of its process for identifying unusual results. This was one of about seven test data points the audit suggested. CPS ultimately used only 3 of them, and two of the three were redundant, according to one test security expert.

Although CPS improved its training methods as a result of the CPS audit, the OIG found that the new training and the five-question proctor quiz that had to be passed to proctor the high-stakes test did not adequately cover the test's unique features, proper and improper testing behaviors or how to prevent certain test irregularities. CPS proctors need clearer rules and new guidance on how to prevent time-outs and unusually long durations.

In addition, as a test security guidebook published by the Council of Chief State School Officers recommends, proctors need "clear examples of what behavior is unacceptable" because "One source of cheating by staff is lack of understanding about what are acceptable and unacceptable behaviors."

Student interviews also indicated that some irregularities could be occurring during small-group testing, including of general-education students, which is not allowed under current CPS rules. Therefore, CPS's audit checklist should include monitoring of whether small-group testing is being used correctly.

INSUFFICIENT DATA

The OIG also found that the comprehensive data file currently provided by the vendor is missing certain information that would be helpful in flagging unusual test results.

This includes, as mentioned, who proctored each test; who paused a test; whether a pause was a time-out due to student inactivity or a pause instigated by a proctor; the

³ CPS would likely have had to pay the vendor extra for a custom report with pause data.

number of pauses on each test; how many days each test took; the length of each test session; and which dates the test was worked on.

CONCLUSION

The test discussed here carries so many stakes for so many CPS parties that its accuracy is absolutely critical. Concerning patterns in the data and comments from a small sample of students and teachers in schools with unusual results indicate that swift action must be taken to tighten up the administration of this test. The area is so complex and technical that the help of an independent test security expert is warranted.

This expert can advise CPS on improving its test administration rules, training, proctor quiz, criteria for flagging unusual results, audit checklist and the test-related data CPS collects, as well as shrinking CPS durations and pause counts. This expert also should help CPS write new requirements into its testing contract.

If the current vendor cannot provide the recommended changes, the expert should assist CPS in writing a proposal for a new test contract after the current \$2.2 million contract expires at the end of June 2020.

Appendix A: Spring 2018 Tests by Duration and Diverse Learner Status

Duration (Minutes)	Total	0 to 75*	76 to 120	121 to 180	181 to 240	241 to 300	301 to 360	Greater than 360
Total Tests	320,561	105,682	111,308	68,386	23,010	7,839	2,764	1,572
Tests by DLs	45,243	21,043	13,663	7,214	2,189	723	257	154
Tests by non-DLs	275,318	84,639	97,645	61,172	20,821	7,116	2,507	1,418
% of DL Tests		46.51%	30.20%	15.95%	4.84%	1.60%	0.57%	0.34%
% of non-DL Tests		30.74%	35.47%	22.22%	7.56%	2.58%	0.91%	0.52%

*An article on the testing company's website says that, in general, it expects students to complete a test in about 45 to 75 minutes.

Note: The OIG identified Diverse Learners using 2017-18 data from CPS's Special Education indicator, which is based on whether the student has an Individualized Education Program.

Source: OIG Analysis of CPS Data from Grade 3-8 Tests

Appendix B: Spring 2018 Tests by Pauses* and Diverse Learner Status

Pauses	Total	0	1-4	5-9	10-14	15-19	20+
Total Tests	302,993	145,424	145,388	10,524	1,149	290	218
Tests by DLs	42,760	19,014	21,944	1,649	112	26	15
Tests by non-DLs	260,233	126,410	123,444	8,875	1,037	264	203
% of DL Tests		44.47%	51.32%	3.86%	0.26%	0.06%	0.04%
% of non-DL Tests		48.58%	47.44%	3.41%	0.40%	0.10%	0.08%

*The test company's data does not distinguish between pauses and time-outs.

The OIG did not receive pause data for some tests, which are excluded from this analysis.

Note: The OIG identified Diverse Learners using 2017-18 data from CPS's Special Education indicator, which is based on whether the student has an Individualized Education Program.

Source: OIG Analysis of CPS and Vendor Data from Grade 3-8 Tests