

# Disappearing LSCs: How CPS is rewriting the School Reform Act

CPS has been *rewriting the school reform act* through policies which disempower, remove and marginalize LSC legal authority

March 2004

*prepared by Parents United for Responsible Education*

Since 1995, the Chicago Public Schools has created and implemented a number of policies which take power away from LSCs in violation of the Illinois school code. This is done in a variety of ways as described below.

Repeated efforts on the part of school reform and community groups to correct this situation have been stonewalled by CPS. During the 2002-03 school year, some two dozen groups met with CPS in the LSC Roundtable, a CPS-sponsored advisory committee co-convened by the Chicago School Leadership Cooperative. Arne Duncan participated in this group and signed on to many of its recommendations. However, implementation of most of those agreements fell through, and there was no response to subsequent major recommendations including a small schools policy revision recommendation which was supported by Chicago Teachers' Union, the Chicago Principals' and Administrators' Association, several business groups and every community and school reform group at the table including the Small Schools Workshop.

## ■ Probation

Beginning in the Vallas administration, CPS has taken the power of the budget and SIP away from schools on probation and gives that power to what is now the Area Instructional Officer. A new February 2004 policy may put as many as half of all CPS schools on probation, up from about 80.

### **The law**

It is clear that during the first year of probation the Board's only legal role is to *identify deficiencies at the school* which the school must address in its school improvement plan. The school's budget must include expenditures designed to address the deficiencies the Board identified. Nowhere is there any suggestion that the principal does not write and the LSC does not approve either that plan or that budget. (105 ILCS 5.34-8.3c)

### **CPS implementation**

Prior to the Vallas years, CPS materials said that probation had little effect on LSC power. Since the beginning of the Vallas administration, CPS has changed their interpretation of the law to support taking far more power away from LSCs. The 2002-04 LSC training material states "According to the Illinois School Code, **the Board must approve the SIPAAA** for schools on probation" (*emphasis added; page 6 of LSC training manual, 2006*).

Because of the way CPS misreads the law, LSCs of schools on probation may as well not exist. They are not even allowed an advisory role in most cases, and few have ever seen the Corrective Action Plan which is supposed to be guiding schools on the path off of probation.

### **Efforts to correct the problem**

PURE, the Chicago Lawyers' Committee, Designs for Change, individual LSC members and others have repeatedly challenged the CPS version of the law. We have written our own LSC training modules to help LSCs understand it. The issue was a high priority agenda item for the LSC Roundtable in 2004.

### **CPS response**

In early 2003, CPS law department representatives no longer participated in meetings of the LSC Roundtable Legal/Policy Committee which had been created to address concerns over interpretation and implementation of the law and to develop policy revisions collaboratively. Without the participation of the Law Department, the committee effectively lost our ability to affect this and other policy issues.

CPS gave the community no advance notice of the new accountability plan which was approved by the Board in February 2004. This plan raises the probation standard from 25% to 40% of students scoring at national norms in elementary schools and from 15% to 30% in high schools. Given the CPS practice described above, we can expect that nearly half of all LSCs will no longer control their own school improvement plans or budgets.

► **Possible remedy:** *Legal action or revision of the entire school intervention section to clarify the process including Board and LSC roles.*

### **■ School closings**

CPS has closed many schools for a variety of reasons; these schools either do not reopen at all or reopen without LSCs. For example, the Williams Elementary School was closed for poor performance in 2002. The school re-opened as a complex of four Renaissance schools, none of which has an LSC. The principal of one of these schools recently stated that they will decide whether to have an LSC or an alternative governance structure; "this option is for all of the new schools that come on board" (*Hyde Park Herald, March 3, 2004 - attachment #3*).

Also approved at the February 2004 Board meeting was an expanded school closing and consolidation policy. The policy basically allows CPS to close a school for pretty much any reason, including taking the building for a charter school.

Not only is there no process for LSC input into school closing decisions, but when the school closes, it is likely to reopen without an LSC.

► **Possible remedy:** *New language in the law to regulate school closings and include LSCs in these critical decisions.*

## ■ Small schools

A growing number of schools are being converted from schools with existing LSCs to “small schools” without LSCs.

### **The law**

The school reform law does include a “waiver” of LSC powers for a specific set of schools including small schools created under a “Request for Proposal” process and housed in buildings where there had not been an LSC. The law specifically states that this waiver is **not applicable** for conversion of schools with existing LSCs (*105 ILCS 5/34-2.4b*).

### **CPS implementation**

The CPS Small Schools Department has aggressively moved to expand the numbers of small schools operating without LSCs including those in schools with existing LSCs such as South Shore High School. The Board of Education passed a policy allowing this power grab.

### **Efforts to change the CPS approach**

This became the first major issue addressed by the LSC Roundtable and in May 2003 the group completed, approved and sent a recommendation to Arne Duncan. This compromise would allow for a short transition period with an advisory body while schools were changing to small schools, but calls for the election of a real LSC at the end of that period. The proposal also allows some flexibility in the definition of community representative. It was supported by the Chicago Teachers’ Union, the Chicago Principals’ and Administrators’ Association, several business groups and every community and school reform group at the table including the Small Schools Workshop.

### **CPS response**

To date we have received no response to this proposal. In the meantime, the Small Schools Department continues to move its agenda by:

- commissioning a survey which found that people in “alternative LSCs” are very happy with that structure but failed to ask about the phase-in model proposed by the Roundtable;
- literally changing the definition of LSCs: in the department’s August 2003 “Request For Proposals for Creating Smalls Chicago Public High Schools at the Lucy Flower Campus” glossary, local school council is defined as “an elected or appointed governing board” (*p. 10*);
- using this redefinition in a web site Q & A to answer a key question with a hearty affirmative: “Do Small Schools have LSCs? – Yes. Autonomous small schools fully participate and believe in the LSC structure. Some small schools have elected LSCs and others have established alternative LSC structures. The law supports these two options.”

**Other public schools forming without LSCs:** Contract and charter schools are adding to the numbers of CPS schools without LSCs. Last year the state legislature granted CPS 15 more charter schools because they have already used up their first 15 charters. Charter schools do not have to have LSCs, and so far no charter has a real LSC. Contract schools are not mentioned in the school reform law, but the one currently in operation does not have an LSC.

► **Possible remedy:** *Revising the law to remove the waiver for alternative and small schools or include language reflective of LSC Roundtable proposal*

## ■ Educational crisis

A few LSCs have been neutralized and some dissolved under educational crisis.

### **The law**

The educational crisis law is written very broadly, yet it clearly intends the process as one for only the most severe situations (*105 ILCS 5/34-8.1b*).

### **CPS implementation**

In 2002, the Wendell Smith LSC was dissolved under educational crisis because of a dispute with the principal over how discretionary funds were to be spent. The LSC wanted to reallocate funds from two non-classroom positions to textbooks and other critical resources. The principal refused, and CPS allowed her to begin spending the budget without LSC approval. When the LSC would not agree to approve the principal's illegal expenditures retroactively, it was dissolved.

More recently, CPS placed a warning of educational crisis on the Cooper LSC. The central dispute concerns the principal selection process. The majority of the currently serving LSC members is trying to carry on a process but the CPS-appointed interim principal and the two teacher representatives are blocking it. CPS removed the two LSC community representatives in December 2003, and one of the parent members stopped attending the meetings. The interim principal and teachers refuse to attend meetings, thus denying the LSC a quorum and the opportunity to fill the two vacancies or continue with the selection process.

When the LSC tries to meet, and fails to achieve a quorum, the school calls the police and has them removed from the building. The interim principal's refusal to attend LSC meetings is a clear case of insubordination and neglect of duties, yet the educational crisis warning contains only accusations against the five parent members who were never interviewed by the investigator on whose report the warning is based.

### **Efforts to change that approach**

School reform groups have tried to raise the fairness issue here, but to no avail. In addition, CPS staff controls all investigations and testifies against the LSC at hearings, making them into kangaroo courts. CPS's track record of misuse of the authority and leeway granted under this broad section of the law shows an abuse of power and a need to find a new intervention process.

### **CPS response**

CPS continues to use educational crisis to intimidate LSCs which are standing up to them.

► **Possible remedy:** *Revising the entire school reform section about interventions to clarify the process including Board and LSC roles.*