

PURE *FACT SHEET*

The “Small Schools” LSC case

Since 2004, Chicago Public Schools (CPS) has set policies and taken actions that have turned empowered, elected local school councils (LSCs) for dozens of schools into **toothless advisory groups** appointed by the Board of Education. Renaissance 2010 is the most recent version of this effort. In response, PURE and others filed a lawsuit in the Circuit Court of Cook County challenging this violation of the Illinois School Code which established LSCs in 1989. Our attorneys are E.K.B. Siegel and Associates.

Original motion

The case was originally filed on February 7, 2008 in Cook County Circuit Court. The complaint calls for CPS to **stop replacing real LSCs with appointed, advisory LSCs** in what are now called Renaissance 2010 schools. The lawsuit challenges CPS’s claims that a narrow exemption in the law allows this change for schools CPS designates as small or alternative schools. We specifically argue that the exemption does not apply to newly-created schools in buildings which had an LSC.

Legislative update: The day before the end of the spring legislative session, on Memorial Day weekend, 2009, CPS slipped a secret amendment onto SB612, which changed the language of the small schools LSC exemption. Governor Quinn has signed this legislation into law. This will play a role in our case.

Current status of the case

For several months, CPS tried various strategies to get Judge Sophia Hall to throw the case out. On December 22, 2008, in a victory for LSCs, Judge Hall ruled that **the case should move forward**.

Attorney Siegel told Judge Hall that the school reform law requires an elected LSCs in every Chicago Public School and that the exemption to this provision is not a blanket waiver for any school CPS labels “small” or “alternative”; the exemption only allows alternative governing bodies under the following two very specific circumstances:

- for a small school to be exempt, the existing school must apply to be a small school (which means that the LSC would have to vote to approve the change), and
- for an alternative school to be exempt, it must be housed in a building that did not have an LSC.

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We gave several examples of schools which do not meet either of those two criteria, but where CPS has replaced the elected, empowered LSC with an advisory body. We showed cases where CPS promised real LSCs after a restructuring, but then later refused to allow the school to have a real LSC. We showed that CPS does not even follow its own school governance policy.

What happens next? Oral arguments will be heard on the most recent motion by CPS to dismiss. Judge Hall will either throw the case out or decide to allow the case to move forward. There will be a discovery phase when both sides will request and receive documentation related to the issues on the case. This could take several weeks or months.

Why this case matters

Challenges to CPS's Renaissance 2010 program have grown louder as CPS plans to close more schools in 2009. Are the chaos and cost of Renaissance 2010 really worth it? Growing numbers say no.

A 2008 PURE study found multiple irregularities and problems in Renaissance 2010 schools. More than two-thirds of these Renaissance 2010 schools failed to respond to our FOIA requests. We conclude that these schools have no governing bodies, which violates the law and CPS policy. Within the smaller set of 18 responding schools/networks, we found more reason for concern:

- Only 7 of the 152 board members of the responding charter schools are parents, or less than 5%. This indicates a major lack of legally-mandated parent involvement in school governance.
- There are problems with student retention, enrollment, attrition, and "push-outs".
- There is evidence of questionable accountability regarding testing, discipline, etc.
- There are problems with teacher attrition.
- The by-laws of most of the schools violate the Open Meetings Act.

Background of Mayor Daley's attack on LSCs

Since the Mayor took over the schools in 1995, CPS has attacked LSCs at every level, in spite of a strong body of research evidence that LSCs have been a key element of the most successful improvements in Chicago's schools.

LSCs have successfully engaged parents and community members in their local schools, even in disadvantaged communities where civic involvement is historically low. LSC have proven to be the cleanest form of government in Chicago. There is no research showing any negative effects of LSCs.

On the other hand, there is growing research showing the negative effects of Chicago's Renaissance 2010 plan. The facts show that Renaissance 2010 has disenfranchised thousands of CPS parents, teachers, and community members, increased youth violence in the city, destabilized the lives of hundreds of students by causing them to move from school to school or by changing the entire adult staff in their school, and stripped communities of meaningful participation in local neighborhood schools which used to serve as community centers.

The answer to this misguided, dangerous, wasteful, and unsuccessful experimentation with the lives of Chicago's children is to return local control of the schools to legally-constituted LSCs. This would return the district to a balanced governance system as envisioned by the 1989 School Reform Act and result in improved policies and practices.

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