

**CHICAGO URBAN LEAGUE, ET AL. V. STATE OF ILLINOIS, ET AL.**  
**SUMMARY OF COOK COUNTY CIRCUIT COURT’S APRIL 15, 2009 OPINION**

In a decision issued by Cook County Circuit Court Judge Martin S. Agran, the Court announced that Plaintiffs in the *Chicago Urban League et al. v. State of Illinois and Illinois State Board of Education* case have stated a valid claim of discriminatory disparate impact under the Illinois Civil Rights Act of 2003. The Court recognized that the Plaintiffs’ case “presents vitally important issues to the people and State of Illinois” and that “Plaintiffs documented gaps in achievement between one school and another, and disparities in funding between one school district and another.”

The Court specifically held that Plaintiffs met their burden to allege facts demonstrating that minority students have suffered injury from the discriminatory, albeit unintentional, effect of the implementation of the Illinois school funding system. The Court stated: “The Plaintiffs pled facts showing that the school funding system adopted and implemented by the Defendants has the effect of subjecting African American and Hispanic students to discrimination because they attend schools in ‘Majority-Minority Districts.’” Because the school funding system so heavily relies on local property taxes, Defendants provide substantially lower dollar amounts per-student than the amount that is recommended by the Educational Funding Advisory Board which was established by the State for the primary goal of informing legislators how much funding would be needed to provide students with a “high quality” education. The Court expressly rejected Defendants’ arguments that existing precedent precluded Plaintiffs from seeking relief under the Illinois Civil Rights Act. “In this case, the complaint provides a straightforward challenge of the alleged disparate impact produced by the Defendants’ adoption, implementation, enactment and enforcement of the school funding system.”

The Court’s opinion highlights some of the more striking facts from the Complaint concerning the State’s inequitable school funding system:

- Students who attend schools located in property-poor communities do not receive an equal educational opportunity. “Illinois ranks 49th in the nation in the size of per-pupil funding disparity between its lowest and highest poverty districts.”
- The EAV per pupil in the top five wealthiest districts ranged from \$1.2 to \$1.8 million, while the EAV per pupil ranged from \$7,000 to just over \$24,000 in the five districts with the lowest property wealth.
- The “disparity exists despite the fact that low property wealth areas generally pay much higher property tax rates than areas with higher property wealth, and yet they still generate less local funding for their schools.” The tax rate in the districts with the lowest property wealth is more than six times higher than the tax rate in the highest poverty districts.
- As just one example, Illinois School District Unit 188, in Brooklyn, Illinois, ranked 386th out of a total of 395 consolidated school districts in EAV per pupil in 2007, that 97% of Brooklyn’s students came from low income households in 2007 and that almost 100% of Brooklyn’s students are African-American or Hispanic.

The Court also held that the Illinois Civil Rights Act claim must be maintained solely against the Illinois State Board of Education because the Illinois Civil Rights Act does not provide an explicit waiver of the State's sovereign immunity. Still, by rejecting the Defendants' efforts to dismiss the Illinois Civil Rights Act claim, Plaintiffs believe the Court has paved the way for them to obtain the relief that was sought when the suit was originally filed: (1) a declaration that the Defendants' enactment, adoption and implementation of the existing state funding scheme amounts to a violation of state law; (2) an injunction precluding the Defendants from continuing to implement the existing school funding scheme until such time as a system that does not have a disparate discriminatory effect on students in Majority-Minority school districts; (3) an order that Defendants ascertain the actual cost of providing all students throughout the State regardless of race or ethnicity with an opportunity to receive a "high quality" education and reform the system of school funding to ensure that every school in the State has the critical basic resources needed to provide all students the opportunity to receive a "high quality" education.

Although the Court dismissed the other four claims in the Complaint, Plaintiffs continue to believe that they have asserted valid claims for relief under the Illinois Constitution. For Count II, while the Court noted that Plaintiffs' Uniformity of Taxation Clause claim was "well-reasoned," and acknowledged that the Complaint sufficiently alleged a disparity in the rate of property taxation among school districts, the Court held that the State's Property Tax Code provides a definition of "taxing district" that precludes Plaintiffs from maintaining a Uniformity of Taxation claim.

As to Count III, the Court found that the doctrine of *stare decisis* requires it follow the Illinois Supreme Court's reasoning in *Committee for Educational Rights v. Edgar*, 174 Ill. 2d 1 (1996). In that case, the Court held that the question of whether Defendants provided sufficient funding to establish a system of "high quality educational institutions and services" was not one the courts can decide, but must be left to the state legislature. Although the Court found that Plaintiffs "persuasively argue[d]" that the educational goals of Article X Section I have not been met, consistent with the *Edgar* decision, he held that it is the job of the legislature to determine whether a high quality education is being provided.

The Court also dismissed Plaintiffs' claims based on the Equal Protection Clause in the Illinois Constitution (Counts IV and V). For the Equal Protection claim based on racial discrimination, the Court found that Plaintiffs failed to allege facts showing that the laws that make up the school funding system have a racially discriminatory purpose. For the claim based upon property wealth, the Court relied on Illinois Supreme Court and United States Supreme Court precedent and held that the school funding system appears to be rationally related to a legitimate state goal.

The Court set a status hearing for May 5, 2009 where the parties will appear and discuss the next steps in the litigation.

Dated: April 16, 2009