



# MALDEF

## Mexican American Legal Defense and Educational Fund

### FACT SHEET:

#### UNITED STATES V. BOARD OF EDUCATION (CHICAGO PUBLIC SCHOOLS)

In 1974 the United States Supreme Court stated that failing to provide for the needs of non-English speaking students “is to make a mockery of public education,” rendering classroom experiences for these children “wholly incomprehensible and in no way meaningful.”<sup>1</sup> Six years later, the United States and the Chicago Board of Education (“CPS”) entered into a consent decree whereby CPS agreed to remedy the present effects of past segregation of black and Hispanic students. The consent decree was modified in 2004 and again in 2006, but in each version the needs of both Hispanic and non-English speaking students played a central role.

Today approximately 39.1 % of students enrolled in CPS are Latino.<sup>2</sup> Despite the longevity of the consent decree, the number of educational opportunities denied to Latino and Limited English Proficient (“LEP”) students is alarming. A 2007 study revealed that non-English speaking children—most of whom are Latino—are **still taught in hallways, are pulled from their classes in order to translate for other students, are denied sufficient reading material or are provided unapproved material, and even lack textbooks.**<sup>3</sup> Additionally, thousands of ELL students have been denied special education services.<sup>4</sup>

In early 2008, the Department of Justice asked the Court to require CPS to provide additional information regarding the provision of services—or lack thereof—to LEP students. MALDEF, which along with the ACLU of Illinois and the Chicago Lawyers’ Committee for Civil Rights Under Law serves as *amicus curiae* in this case, submitted a brief urging the Court to grant the motion. The Court subsequently directed the principals of 100 Chicago Public Schools to provide written answers to questions regarding the amount of instruction, type of instruction, materials, and placement services their ELL students receive. Despite the fact that provisions regarding LEP services have been incorporated into each version of the consent decree, in their responses, many principals attested to classrooms that lack books and students who lack qualified bilingual teachers, while still suggesting that next year things will be better.

#### Public Participation in the January 20, 2009 Hearing on “Unitary Status”

On September 2, 2008, the federal judge overseeing the consent decree called for public hearings regarding termination of the consent decree, and directed parents, students, and organizations who wish to speak at the hearing to submit written comments in advance of the hearing.

On September 11, 2008 MALDEF filed papers asking the Court to grant community members additional time to submit written comments, and also asked that notice of the public hearing be published in the Spanish-language press. MALDEF also petitioned the Court to require that CPS translate the Notice and provide it to LEP students and their families.

<sup>1</sup> *Lau v. Nichols*, 414 U.S. 563, 566 (1974).

<sup>2</sup> See *Chicago Public Schools: CPS At A Glance*, at <http://www.cps.k12.il.us/AtAGlance.html> (last checked Sept. 22, 2008).

<sup>3</sup> Barbara Marler, Review and Evaluation of Chicago Public Schools’ Implementation of the Bilingual Education Requirements of Amended Appendix C, at 5, 22, 24, 44-46 (September 6, 2007).

<sup>4</sup> See *United States v. Board of Educ. of the City of Chicago*, No. 80-5124 (N.D. Ill.), Amici’s Response to Plaintiffs’ Motion to Enforce English Language Learner Provisions of Amended Appendix C, at 9-10, filed Mar. 13, 2003 (Docket No. 1521).

On September 22, 2008, Judge Kocoras granted MALDEF's motion and issued a revised order. Parents, students, community members and organizations who wish to provide the Court with information regarding CPS' compliance with the consent decree, and particularly, its efforts to remedy past discrimination with respect to Latino and LEP students must:

- **Submit written objections, containing the following information (printed or typed):** 1) the name, address and phone number of the person submitting the objection or comment; 2) whether the person is a student, a parent of a student, a concerned citizen or a representative of a group; 3) whether the person wishes to make an oral statement at the hearing; 4) the signature of the person making the submission; and 5) a maximum of two printed or typewritten pages including the name of the person making the submission, stating objections or comments about whether the system should be declared unitary, thus ending court supervision of the system.
- **Groups wishing to object or comment must:** designate one representative and make any submission through that person, indicating that the person is representing the group as a whole.
- **Submissions must be postmarked by December 1, 2008 and mailed to:** Clerk of the Court, United States District Court, Northern District of Illinois, Attn: United States v. Board of Education (80 CV 5124), 219 S. Dearborn St., Chicago IL 60604.
- **Oral statements will be heard starting at 10:30AM on January 20, 2009.** Only the person who submits and signs a written submission may make an oral statement. Speakers will have a maximum of three minutes each to present their remarks. Speakers who wish to make their remarks in a language other than English must be accompanied by an interpreter. Only one member of a group may present an oral statement on behalf of the group, and this person must be the same person named in the corresponding written submission.

#### Why Your Participation Matters

This case is unlike many others because it not only involves the largest school district in the state but it also addresses the educational services CPS must provide LEP students. According to a 2005 report only 51.6% of boys and 65.9% of girls who started in an LEP program graduated.<sup>5</sup> The graduation rates for Latinos who were not in an LEP program was even worse: only 48.6 % of boys and 64.4 % of girls graduated.<sup>6</sup> The same report observed that “[g]raduation from high school is one of the most important indicators of students’ success in later life, while failure to graduate from high school leads to numerous costs for both the individual and society.”<sup>7</sup>

MALDEF urges all parents and community leaders interested in ensuring the Court is fully informed about CPS’ provision of ELL services to submit comments. The comments of parents, students and community leaders will allow the Court to make a fully informed decision: one that will affect our children and those children who follow. Please contact our offices should you need additional information.

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<sup>5</sup> See Elaine Allensworth, *Graduation and Dropout Trends in Chicago*, Consortium on Chicago School Research at the University of Chicago, at 23 (2005).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 3.