

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

CHICAGO URBAN LEAGUE AND QUAD )  
COUNTY URBAN LEAGUE, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
STATE OF ILLINOIS and ILLINOIS )  
STATE BOARD OF EDUCATION, )  
 )  
Defendants. )

08CH30490

**VERIFIED COMPLAINT**

Plaintiffs, the Chicago Urban League and the Quad County Urban League (collectively "Urban League Plaintiffs"), by their attorneys Jenner & Block LLP, state as follows for their complaint against Defendants State of Illinois (the "State") and Illinois State Board of Education ("ISBE") (collectively "Defendants"):

**NATURE OF ACTION**

1. This civil rights action arises from the State's failed school funding scheme, the discriminatory impact that scheme has on minority students, especially African Americans and Latinos, and the denial of constitutionally inadequate educational opportunities for hundreds of thousands of Illinois public school children. This lawsuit challenges the State's method for raising and distributing education funds to local school districts and ISBE's implementation of that fatally flawed system. The State of Illinois has established a funding scheme that generates the nation's second largest school funding gap between low and high income schools. The State's public school funding scheme (1) disparately impacts racial and ethnic minority students who attend school districts with a high concentration of minority students ("Majority-Minority Districts" or "MMDs") by distributing an unequal level of funding to those school districts in

violation of the Illinois Civil Rights Act; (2) violates the Uniformity of Taxation provision of the Illinois Constitution; (3) violates students' rights to attend "high quality educational institutions" guaranteed by the Education Article under the Illinois Constitution; and (4) violates students' rights to equal protection under the Illinois Constitution.

2. Under the Illinois Constitution, the State has the primary responsibility for financing public schools and is obligated to provide for the establishment of schools that deliver a "high quality" education to the over two million students enrolled in elementary and secondary public schools in the State.

3. Since at least 2003, however, Illinois has ranked 49th out of 50 in state contributions to school funding. The State's share of the revenue raised for public schools in Illinois has decreased steadily, spiraling downward from a one time high of 48 percent, over thirty years ago in 1976. In recent years, the race to the bottom has continued. In 2004, the State's share of education funding in Illinois was 33 percent, then down to 31.8 percent in 2005, and again down to 29.6 percent in 2006. For 2007, the State's contribution reached a new low — 27.8 percent.

4. In strong contrast to its place at the bottom of the list for state level funding of public education, Illinois has the nation's fifth largest personal income and currently operates the fifth largest public school system in the entire United States. The State also ranks fifth in the number of higher education, degree-granting institutions available and ranks second nationally in the annual export of agricultural commodities. Nearly 300 of the Fortune 500 companies operate major regional or national distribution centers in Illinois.

5. Despite its capacity to raise revenue, for the last several years, the State has fallen woefully short of satisfying its mandate to provide a “high quality” education to its public school students.

6. Among those, most substantially and negatively impacted by the State’s unconstitutional funding scheme are the sons and daughters of Chicago and Quad County Urban League members, many of whom attend school in Majority-Minority Districts. At the schools in these districts, students score lower on statewide performance assessments, drop out of school more often and do not attend college at the same rates as their peers in majority white school districts.

7. These marks of poor academic performance are a direct result of the lack of resources available to students in these school districts. Many of these schools lack the basic critical resources needed to provide all of their students with a “constitutionally-guaranteed high quality” education. Class sizes are at all time highs and capital spending on school facilities is at an all time low, often forcing students to learn in crowded or dilapidated school buildings and using technologically outdated facilities. Recent reports put the cost of unmet capital needs among school districts at over \$6 billion. Many basic sports, arts, and music education programs have been reduced or cut altogether.

8. The school funding system is fundamentally flawed. Although the Illinois Constitution mandates that the State shall have the “primary responsibility” for financing public schools, it is actually local property taxpayers who bear the brunt of the cost for the State’s constitutional obligation. For ten years, the State has enforced and implemented a funding scheme that requires over sixty percent of the funds to be raised through non-state levied taxes.

9. At the core of the State's school funding system is an over-reliance on local property taxes. This over-reliance on locally raised revenues reinforces past discrimination and virtually ensures that in communities where property wealth has been negatively impacted by patterns of residential segregation, the school districts have no capacity to raise the revenues they desperately need to close the funding gap. Compared to other states, Illinois' property taxpayers contribute the third-highest share of education costs, at 62 percent, and pay the 10th highest dollar amount towards school funding.

10. The effects of inadequate and disparate funding across Illinois on public school districts are significant. Almost one in five of the State's over 800 school districts are facing serious financial difficulties and have received a negative rating from the Illinois State Board of Education on financial management. About 40 percent of the State's school districts, even fiscally responsible ones, operate with budget deficits.

11. In 1996, the Illinois Supreme Court held that the task of school funding reform was better left to the General Assembly. *See Committee for Educational Rights v. Edgar*, 174 Ill.2d 1 (1996). However, the State's current public education system as well as the school funding situation is vastly different from the one serving as a backdrop to the Court's decision in *Edgar*, and does not meet constitutional requirements. The adoption of the No Child Left Behind Act, 20 U.S.C. § 6301, which has the stated purpose of "ensur[ing] that all children have a fair, equal, and significant opportunity to obtain a high quality education" and the concomitant enforcement of statewide learning and achievement goals by ISBE, now establish standards for determining whether the State's funding scheme enables school districts to provide for a system of schools that provide all students with a "high quality" education.

12. The State's failed school funding scheme has left many school districts, particularly those who serve a high concentration of low income and minority students, with a mounting educational crisis. As the federal and statewide standards for learning are raised higher and higher each year, these school districts find themselves with fewer and fewer resources. The persistent, substantial disparity in school funding across the State has left thousands of Illinois school children, particularly African American and Latino students, without an equal educational opportunity and the "high quality" education guaranteed to them under this State's Constitution.

13. The continuous and unmitigated harm that results each year from the State's persistent failure to meet its constitutional obligation to treat all students equally, regardless of race or ethnicity, to provide all Illinois students with access to equal educational opportunity and to provide a system of schools offering a "high quality" education, is irreparable and unconscionable. Plaintiffs therefore seek preliminary and permanent injunctive relief on the grounds that the State's school funding scheme, as presently enforced and applied across the State, violates the Illinois Civil Rights Act and the basic rights guaranteed to all State citizens under the Illinois Constitution.

#### **SUMMARY OF CLAIMS**

14. As set forth more fully below, Count I arises under the Illinois Civil Rights Act of 2003, 740 ILCS 23/5. The Illinois Civil Rights Act prohibits the State from utilizing criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color or national origin. Here, Defendants' school funding scheme, as enforced and applied to school districts across Illinois, has a demonstrable, disparate and adverse impact on minority students, particularly African Americans and Latinos. This impact is unjustified and

unnecessary as there are other methods of school funding that would not result in this discriminatory impact.

15. Count II arises under the Uniformity of Taxation provision of the Illinois Constitution, Article IX, Section 4, which specifically requires that “taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law.” Uniformity is required in both the basis of assessment and in the rate of taxation. Accordingly, funds raised for a state purpose must come from the levy of a statewide tax that is uniform. Here, although the financing of public schools is primarily the responsibility of the State, a substantial portion of the monies raised to fund public schools comes from the levy of local property taxes that are assessed at different rates throughout the State. The State’s decision to meet its educational funding duty primarily through local property taxes whose rate differs from municipality to municipality violates the Uniformity of Taxation provision of the Illinois Constitution.

16. Count III arises under the Education Article of the Illinois Constitution, Article X, Section 1, which requires that the State “provide for an efficient system of high quality educational institutions and services” and shall “have the primary responsibility for financing the system of public education.” The school funding system as enforced and applied across the State does not provide all schools with access to resources sufficient to meet the Illinois Learning Standards, which Defendants established, and does not provide all students with “high quality educational institutions and services.”

17. Count IV arises under the equal protection clause of Article I, Section 2 of the Illinois Constitution, which prohibits the State from adopting and enforcing laws that deny individuals who are similarly situated equal protection under the law. The school funding

system, which forces local communities to raise revenue for their schools through local property taxes, perpetuates and causes racial residential segregation. The residue of past discrimination in these communities works to impact the amount of revenue that a local government can raise through property taxes and has an effect on school funding. School districts that are located in communities with high concentrations of low income families and the lowest property wealth are more likely to be MMDs and have less funding available for their students. The disparity that results between minority students in these districts and their white peers in majority districts deprives those minority students of equal protection under the law.

18. Count V also arises under the equal protection clause of Article I, Section 2 of the Illinois Constitution. The school funding scheme, as it is enforced and applied throughout the State, produces a disparity in funding for students who attend school in communities with a high concentration of low income families and the lowest property wealth as compared to students in more affluent and property wealthy communities. This disparity therefore violates the equal protection clause of the Illinois Constitution.

#### **PARTIES**

19. Plaintiff the Chicago Urban League (“CUL”) is an independent, not-for-profit organization, organized and existing under the laws of Illinois, having its principal place of business located at 4510 South Michigan Avenue, Chicago, Illinois 60653. The stated mission of the CUL includes the goal of ensuring that African-American children are well-educated and prepared to lead, and advocating for policies that ensure equal protection in the economic and social mainstream. CUL is a member organization with thousands of members throughout the Chicago metropolitan area. Many of CUL’s members are citizen taxpayers in the State of Illinois and are parents of public school children who attend school throughout the City of Chicago and the greater metropolitan Chicago area. Many CUL members have children who

attend State public schools and whose children are receiving an inadequate and inferior education based on disparate impact, non-uniform taxation, and lack of access to equal educational opportunity.

20. Plaintiff the Quad County Urban League (“QCUL”) is an independent, not-for-profit organization, organized and existing under the laws of Illinois, having its principal place of business located at 808 East Galena Boulevard, Aurora, Illinois 60505. The stated mission of the QCUL includes the goal of ensuring that African-American children are well-educated and prepared to lead, and advocating for policies that ensure equal protection in the economic and social mainstream. QCUL is a member organization with hundreds of members throughout the greater Quad County metropolitan area, including East Aurora, Illinois. Many QCUL members have children who attend State public schools and whose children are receiving an inadequate and inferior education based on disparate impact, non-uniform taxation, and lack of access to equal educational opportunity.

21. Defendant the State of Illinois (“State”) is the state governmental body which allocates funding to units of local government for the purpose of providing an efficient system of high quality educational institutions and services pursuant to the Illinois Constitution.

22. Defendant the Illinois State Board of Education (“ISBE”) is a state agency that oversees and disburses billions of dollars raised to fund public school education.



## JURISDICTION AND VENUE

23. This action arises under the Illinois Civil Rights Act, the common law, and Articles I, IX and X of the Constitution of the State of Illinois. Jurisdiction is proper under Sections 5/1-108 and 5/2-209 of the Illinois Code of Civil Procedure, 735 ILCS §§ 5/1-108 and 5/2-209.

24. Venue is proper in this Court, under 735 ILCS §§ 5/1-108 and 5/2-209 of the Illinois Code of Civil Procedure, because many of the actions taken by Defendants from which this action arise occurred in Cook County, among other places in the State.

## FACTS

### *The Illinois State Public School Funding Scheme*

25. Article X, Section 1 of the Constitution of the State of Illinois specifically provides that:

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities. The State shall provide for an efficient system of high quality public educational institutions and services...The State has the primary responsibility for financing the system of public education.

26. This language expressly requires the State to create and maintain an education system that provides for a system of schools that shall deliver a “high quality” education to all Illinois students. This language also requires the State to be the primary party to finance that system.

27. Each year, the State adopts a new appropriation for school funding based upon a general state aid formula that is designed to calculate a basic foundation level of funds (“Foundation Level”) that the State will ensure is provided to support each school district.

28. In January 2008, the Illinois General Assembly enacted Public Act 095-0707, § 18-8.05 (2008) which re-enacts the school funding system and establishes the new Foundation

Level for the school funding system to be enforced and applied to school districts in the 2007-2008 school year.

29. The current school funding scheme operates as follows:

- a. Illinois school districts receive General State Aid (“GSA”) on a sliding scale, based on the amount of local property tax resources available to support a pupil’s education. GSA is computed by multiplying equalized assessed valuation by a calculation tax rate (3.00 percent for unit or consolidated districts, 2.30 percent for elementary districts and 1.05 percent for high school districts). The product is then added to revenue from the Corporate Personal Property Replacement Tax, and the total is divided by the best three months average daily pupil attendance to produce “available local resources per pupil.” GSA then is allocated to make up the difference for each pupil between the available local resources and the Foundation Level.
- b. For any district with available local resources amounting to less than 93 percent of the Foundation Level, the GSA makes up the difference. Where local resources represent 93 to 175 percent of the Foundation Level, GSA is reduced on a sliding scale. A district with local resources available in amounts at 175 percent or more of the Foundation Level will receive a flat dollar amount, \$218 per pupil.
- c. In addition to GSA, the total amount of state funding a school district receives is further impacted by adjustments made based on factors varying from categorical program funds (which may change annually) to hold

harmless “guarantees” (which are subject to an annual, discretionary appropriation by the General Assembly) and grants for “fast-growing” districts. These wide-ranging adjustments reflect a funding scheme that is repeatedly the subject of political compromises that do not always concern the State’s obligation to provide for a system of “high quality educational institutions” or a need to provide all students with equal educational opportunities.

30. The GSA is further complicated by adjustments that may be made based upon the administration of the property tax at the county level of government and the imposition of tax caps at the county level.

31. Counties in Illinois began to adopt Tax Extension Limitation Laws beginning in 1991, and by 2003, 41 out of Illinois’ 102 counties had what is essentially a “tax cap” which controls the growth of property taxes. Specifically, the tax cap limits the increase in total extensions (except for taxes levied for certain bond and interest payments) to the lesser of 5 percent or the 12-month rate of inflation as measured by the All Urban Consumer Price Index published by the United States Department of Labor.

32. Under a tax cap, school enrollments and expenditures may increase, but property tax revenues may increase only at the government-calculated general inflation rate, rather than the higher rates at which housing usually appreciates and to which school expenditures must grow to meet the needs of the growing population.

33. Educational program curtailments and staff reductions commonly occur following the enactment of the tax cap. In recent years, the rate of salary increases has risen above the tax cap limit. Accordingly, when a district adopts a multi-year salary settlement calling for annual

increases greater than the tax cap limit, there must be new property growth to increase tax revenues in amounts sufficient to support the increases. If the new property growth does not occur, the district will experience growing deficits and perhaps a need for a referendum to increase the authorized tax rate.

***School Funding Scheme Provides Inadequate Resources and Relies Heavily on Local Property Tax Revenues***

34. To date, Defendants’ efforts to comply with its statutory and constitutional mandate have fallen woefully short. The school funding scheme is flawed in several respects.

35. First, it is overwhelmingly reliant on local property tax revenue. For the past ten years, the State has adopted a funding scheme which requires over 60 percent of the funds for public schools to be raised through local municipal and other local government taxes.

36. Second, the Foundation Level is supposed to represent an amount of dollars that the General Assembly believes should be available to educate each child. However, the Foundation Level does not reflect the actual average cost of providing a basic education to an Illinois public school student, which is closer to over \$8,000 per pupil.

37. In the last ten years, the Foundation Level has been as follows:

<b>1997-1998</b>	<b>\$3132- \$4100</b>	<b>2002-2003</b>	<b>\$4560</b>	<b>2007-2008</b>	<b>\$5734</b>
<b>1998-1999</b>	<b>\$4225</b>	<b>2003-2004</b>	<b>\$4810</b>		
<b>1999-2000</b>	<b>\$4325</b>	<b>2004-2005</b>	<b>\$4964</b>		
<b>2000-2001</b>	<b>\$4425</b>	<b>2005-2006</b>	<b>\$5164</b>		
<b>2001-2002</b>	<b>\$4560</b>	<b>2006-2007</b>	<b>\$5334</b>		

38. In contrast, the Educational Funding Advisory Board (“EFAB”), which was established by the General Assembly in 1997 to offer guidance on the appropriate Foundation Level, recommended that the Foundation Level be increased to \$4,680 in 2002-2003 (\$120

greater than the Foundation Level adopted by the State) and increased substantially to \$6,405 in 2005-2006, which is over \$1,200 greater than the Foundation Level ultimately adopted by the State in that school year. For 2007, EFAB's recommendation increased to \$6,620 which is almost \$1,300 more than the Foundation Level the State actually adopted.

39. Third, since at least 2003, Illinois has ranked 49th out of 50 in the nation in terms of the proportion of total funds for public schools which are provided by direct state aid. As of 2007, the State allocates less than 30 percent (27.8%) of the education funds as direct state aid. The State contribution is over 20 percent lower than the national average. Moreover, the State's 27.8 percent contribution to total school revenue in 2007 has decreased significantly from a high of 48 percent in the mid-1970s. In addition, an apparent 44 percent increase in total per student appropriations from 1995 to 2001 actually amounts to only a 22 percent increase when corrected for inflation.

***School Funding Scheme Results In A Significant Resource Disparity Across School Districts***

40. The funds allocated directly by the State are apportioned on a highly inequitable basis. The school funding system fails to compensate for the vast disparities in local property tax bases and in the ability of municipalities to raise sufficient funds to meet the needs of students residing in the community.

41. This disparity arises because the overwhelming majority of those municipal and other local government sources of funding come directly from property tax revenue generated in individual municipalities. Compared to other states, Illinois' property taxpayers' are responsible for the third-highest share of education costs, and pay the 10th-highest dollar amount towards school funding.

42. The State's reliance on local property tax revenues as the primary source of funds to support public schools has the effect of creating a significant gap in the amount of school funding available between property-wealthy and property-poor communities. For the last five years, Illinois has ranked 49th in the nation in the size of the per pupil funding disparity between the state's lowest and highest poverty districts. Specifically, funding of education based upon operating expenses per pupil varies throughout Illinois from \$23,000 to less than \$5,000 per student per year, a gap of almost \$20,000 per student. When funding is based upon revenue per pupil the gap grows to \$30,000, with revenues per pupil between approximately \$33,000 at the high end and less than \$6,000 per pupil at the low end.

43. Frequently, the disparity in local revenue available to fund schools is not due to a municipality's refusal to tax its real property at high rates. More often than not, low property wealth areas pay much higher property tax rates than areas with higher property wealth, and yet they still generate less local funding for their schools. A review of the equalized assessed valuation (EAV) of taxable property located in Illinois school districts shows that school districts with greater property wealth can raise large amounts of funds for their schools at very low tax rates, while districts with lower taxable property cannot raise comparable amounts of money, regardless of how much they tax their residents. For example, the Illinois school districts with the five highest EAV are located in municipalities which tax their residents at an average rate of 0.91 percent. In contrast, the five districts with the lowest EAV are located in municipalities which already tax their residents at an average rate of 5.7 percent, or more than six times higher than the tax rate in the highest property wealth school districts.

44. There is also a significant difference between the EAV per pupil in areas of high and low property wealth. In 2005, for example, the school districts with the top five EAV per

pupil ranged from approximately \$1.2 million to \$1.8 million. Conversely, the bottom five districts in EAV per pupil ranged from approximately \$7,000 to just over \$24,000.

45. Furthermore, the Illinois school districts with little property wealth to use as a source of revenue to support their schools are disproportionately MMDs, serving larger numbers of African American and Latino students.

46. The low property wealth school districts in Illinois also tend to serve a disproportionate number of students from low-income families. For example, in 2007 the Brooklyn, Illinois Consolidated School District Unit 188 ranked 386th out of 395 Consolidated School districts in EAV per pupil, and over 97% of the students who attended Brooklyn schools came from low-income households. Brooklyn is also an MMD with almost 100% of its students being African American or Latino.

47. Accordingly, the system has a disparate and discriminatory impact on minority students, particularly African American and Latino students. As is the case with the Brooklyn School District, under this system the lowest property wealth districts in the State tend to be ones serving high concentrations of minority students, and those MMDs tend to have significantly lower EAV per pupil than school districts that serve mostly white students.

48. The hold harmless provisions of the GSA formula further compound the unequal results in funding allocation. The hold harmless provisions purport to guarantee to property wealthy school districts that those districts will not receive less GSA than they received in any prior year. Students who attend schools in low property wealth school districts receive no benefit from these hold harmless provisions.

49. In addition, the GSA formula is calculated primarily on the basis of average daily attendance rather than student enrollment. The reliance on attendance rather than enrollment is

arbitrary and irrational, as most educational costs (like teachers' salaries, facilities' costs and instructional materials) are fixed on the basis of total enrollment and do not rise and fall with student attendance.

***The City of Chicago School District 299***

50. In School District 299, which encompasses the City of Chicago, the student population is primarily minority, with approximately 46 percent African American students and about 39 percent Latino students. Only 8 percent of School District 299's students are white.

51. Nearly 85 percent of the students attending public schools in Chicago come from low-income families, as compared to 41 percent for the State as a whole. School District 299 enrolls approximately 39 percent of the students in the State of Illinois who are part of low-income families and 38 percent of the students with Limited English Proficiency. Yet School District 299 receives only 26 percent of the State's revenues for school funding.

52. One area where lack of funding has a clear impact in District 299 is class size. The average class size in District 299 is above the statewide average. In 2007, for example, kindergarten classes in District 299 had an average class size of 24.1 students compared to an Illinois average of 20.9. Similarly, fourth grade classes in District 299 had an average of 24.5 students per class whereas the State average for fourth grade was only 22.5 students per class. District 299's eighth grade classes suffered similarly, with nearly three additional students per class than the average eighth grade class. The difference in class size between District 299 and the State's average is even greater if statewide averages are calculated without the City of Chicago.

53. In comparison to other large, urban school districts like New York, Los Angeles, or Washington D.C., the Chicago public schools spend considerably less per pupil. Yet like



those other districts, the high cost of doing business in an urban center has a significant impact on the school district's ability to deliver services.

54. In 2007, District 299 reported that, to add just one hour of class time to its students' school day would cost approximately \$300 million. If the district were to add one additional day per year, that would cost \$11.5 million. Full day kindergarten would cost \$30 million and to fully fund special education, the district would need an additional \$250 million. Although taking any one of these steps would substantially improve the quality of education students attending school in District 299 receive, the State's funding system does not provide adequate resources for the school district to do so. Instead, over the last several years, District 299 has been forced to make substantial budget cuts.

55. The State's school funding system purports to contain adjustments designed to take into consideration the local tax base available to support a school district. However, the school funding scheme method of assessing local ability to generate funds through property taxes is unrelated to its purported equitable purpose, because it disregards the extensive and disproportionate fiscal burden for providing mandated programs and extensive services in areas other than education that the City of Chicago bears that other districts do not.

***Aurora East Unified School District 131***

56. Unified School District 131, in East Aurora, Illinois, is a Majority-Minority District with a student body that in 2007 had 82 percent Hispanic, 9 percent Black, and 6 percent White.

57. This district serves an above state average low income student population (68 percent versus the statewide rate of 41 percent) and has low property wealth. The district's per pupil spending reflects the lower property wealth found in East Aurora. In 2006, District 131

had an instructional expenditure per pupil of \$4,832 and an operating expenditure per pupil of \$8,619 compared to the statewide instructional and operating expenditure per pupil of \$5,567 and \$9,488, respectively.

58. Teachers in this district have less experience, are paid less, and face a higher pupil-to-teacher ratio than teachers in Illinois as a whole.

59. Student performance in District 131 lags behind the State as well. District 131 had a high school graduation rate 10 percent lower than the state average. It is one of many MMDs that failed to make Adequate Yearly Progress (“AYP”) in 2007, as measured by the federal government under the No Child Left Behind Act, performing 15 percent below the state average. District 131 has also been identified for District Improvement under the No Child Left Behind Act since the district began gathering data to measure AYP in 2003.

60. Like District 299, District 131 has average class sizes well above the statewide averages. In 2007, kindergarteners through twelfth graders, with only one exception, were required to learn in classrooms larger than their Illinois counterparts. For example, District 131 had an average high school class size of 24 students compared to a statewide average of 18.9 in 2007. Other grades in District 131 face a similar disadvantage.

### ***School Funding Scheme Leaves Many School Districts In Poor Financial Condition***

61. The existing school funding scheme leaves many school districts in serious financial trouble. Forty percent of the state’s school districts are forced to operate on a spending deficit. Many of those same districts have received a financial watch designation from the Illinois State Board of Education. A “financial watch” designation indicates that the school district is heavily in debt, has run up fiscal deficits, has drained its reserves and has borrowed funds to cover daily operating expenses.

***School Funding Scheme Does Not Enable All School Districts to Provide High Quality Education***

62. The foreseeable result of the State's school funding scheme has been to impair the access to educational opportunities for students in those districts with low property wealth and MMDs. Lack of sufficient resources for these school districts have, on information and belief, resulted in larger class sizes and higher pupil-to-teacher ratios than in other school districts; reduced access to high quality curricula; cuts in and elimination of programs and electives and advanced placement courses; shortages of textbooks and use of outdated textbooks; shortages of equipment, supplies and technology; sparse physical education and extracurricular programs; lack of librarians and library services; insufficient numbers of counselors and psychologists; and many inadequate and crumbling physical facilities.

63. Moreover, Defendants' funding scheme undermines current state educational policy which requires all schools to meet certain Illinois Learning Standards ("ILS"). Under Section 5/2-3.63 of the Illinois School Code, 105 ILCS 5/2-3.63, schools set student learning objectives which meet or exceed goals established by the States.

64. The evolution of the ILS began in 1985 with Defendants' adoption of 34 State Goals for Learning. In 1997, following implementation of the Illinois Learning Standards Project which included preparation of an initial draft by various writing teams and a coordinating team, public comment of the draft standards, review and revisions to the draft by an External Advisory Team, Defendants published the Illinois Learning Standards.

65. According to ISBE, ILS "should reflect what Illinois citizens generally agree upon as constituting a core of student learning." The ILS apply to all public school students in the State of Illinois and should "provide a framework to build strong and rich classroom experiences that incorporate all the important learning a community expects of its students" and

“incorporate knowledge and skills that will enable students to be successful in the workplace of their choice.”

66. ISBE specifically defines ILS as “statements which define a core of essential knowledge and skills that all Illinois students must know and be able to do.” The ILS applies to all public school students in the State and are used “to communicate the purpose and results of schooling in Illinois K-12 education to the public.” They are also intended to “provide a basis for equal opportunity to learn.”

67. ISBE also acknowledges that “Illinois students cannot be held accountable for achieving the standards if they do not have adequate and sufficient opportunities to acquire the identified knowledge and skills.”

68. Defendants’ current school funding scheme, as applied to Illinois school districts in this and in previous years, prevents numerous schools from meeting the ILS and from providing students across the state with an equal opportunity to learn. Many students do not have equal access to the school funding needed to ensure that “adequate and sufficient opportunities” are provided so that they can achieve and even exceed the ILS.

69. On information and belief, as a result of the reduced amount of resources provided to students in low property wealth districts and MMDs, the students who attend schools in these districts receive fewer educational services and supports in lower quality facilities, than their peers in other school districts throughout the rest of the State.

70. Students in MMDs are shortchanged in the classroom, as they are taught by teachers who are less likely to have an advanced degree than students in other districts, more likely to have a higher percent of teachers with emergency or provisional credentials, and likely to attend a higher percentage of classes that are not taught by highly qualified teachers. This

affects the quality of education students in MMDs receive; research shows, for example, that a teacher's academic skills and content knowledge positively relate to student achievement and the ability to meet state standards. Increases in teacher quality also increase college readiness.

71. On information and belief, research shows that smaller class size results in more in-depth coverage of material, enhanced learning and engagement by students, more personalized relationships between teacher and pupil, and safer, more disciplined schools. Further, smaller class size is particularly important in MMDs in light of research that finds that the benefits of a smaller class, such as lowering retention and drop-out rates, are significantly greater for minority students than their majority counterparts.

72. On information and belief, the students who attend school in low property wealth districts and MMDs have less access to Advanced Placement courses than students in other school districts. On information and belief, these students also attend school in districts that lack sufficient laboratory facilities to provide high quality science and technology instruction in a manner that would permit them to achieve and exceed the ILS.

73. On information and belief, the students in low property wealth districts and MMDs also have less access to up to date instructional materials that would be considered adequate to permit students to achieve and exceed the ILS. Nor do they have the same level of access to adequate library books and services.

74. On information and belief, these same students attend school in school districts that have substantially fewer student support service personnel available to work with students, including guidance counselors, psychologists, social workers and school nurses.

75. On information and belief, the students in low property wealth districts and MMDs also disproportionately attend school in facilities with poor physical plants that lack the

proper lighting, heating and ventilation and do not have adequate space for physical education, art, music or other recreational activities that many researchers have found foster academic success for young children.

76. The students without these critical educational resources are not provided with an equal educational opportunity to obtain an education that meets the specific competency standards and other minimum standards of educational quality and quantity identified and adopted by Defendants in the form of the ILS.

77. In a 2006 evaluation of the ILS, researchers found that the third most frequently cited barrier to the implementation of the ILS according to teachers and principals was a “lack of funds.”

78. The irreparable harm caused by Defendants’ adoption and implementation of the State school funding scheme is readily apparent in reviews of student achievement in Illinois. Under the federal No Child Left Behind Act of 2001, 20 U.S.C. § 6311(b)(F), the State, each school district, and every school must reach certain academic performance targets in reading and math to be considered on track for 100 percent proficiency by the school year 2013-2014. For each Illinois school district and Illinois school, progress toward meeting those targets is measured by Adequate Yearly Progress (“AYP”).

79. Last year, almost one quarter (24%) of Illinois schools failed to meet the annual requirements for student achievement under the No Child Left Behind Act, as measured by AYP. After two consecutive years of failing to “meet AYP,” a school district may be placed on School Improvement and be forced to provide certain services to students and develop an improvement plan. After three consecutive years of not meeting AYP, a school district is forced to take corrective action.

*Disparate Impact of School Funding Scheme on Students in MMD*

80. The State's education funding scheme has a disparate impact on students who are ethnic minorities, particularly African American and Latino students, and who live in MMDs. Because a disproportionate number of the African American and Latino students in the State attend public schools in low property wealth districts, the State's inequitable funding of schools in those districts has the effect of discriminating against minority students. As a consequence, these students do not have the same or an adequate opportunity to meet the minimum statewide standards established by ISBE than do their non-minority peers.

81. Minority students who attend schools in low property wealth districts and MMDs do not perform as well as their white counterparts in other school districts on those assessments designed by the State to measure achievement of the ILS. The lower academic achievement among these students is directly attributable to the inequities created and reinforced each year by Defendants' implementation of the State school funding scheme.

82. The funding inequities deny MMDs sufficient resources to obtain the educational services and personnel support needed to teach students the skills and competencies required for achievement of the ILS and success on statewide learning assessments such as the Illinois Standard Achievement Test (the "ISAT"), the Prairie State Achievement Exam ("PSAE"), and the National Assessment of Education Progress ("NAEP").

83. The MMDs are responsible for providing a "high quality" education to the vast majority of African American and Latino students in the State of Illinois. School districts serving large percentages of minority and poor children tend to score place below other districts on almost all measures of academic performance relied upon by Defendants to determine whether school districts are reaching the ILS and providing students a "high quality" education.

84. In 2007, only one out of twelve MMDs made AYP as required under the No Child Left Behind Act. In fact, of those twelve MMDs, all but one was given District Improvement status. Ten of the eleven MMDs on District Improvement received that designation four years ago, when district-wide data was first collected.

85. Moreover, the NAEP assesses the academic performance of students across the nation. In 2007, eighth grade African American students in Illinois scored on average 27 points lower than white students in reading and 38 points lower than white students in math. On the same test, eighth grade Latino students in Illinois scored on average 21 points lower than white students in reading and 26 points lower than white students in math.

86. Each year, Illinois elementary school students in grades 3-8 take the ISAT. The ISAT is aligned with the Illinois Learning Standards and is designed to measure student progress toward achievement of those standards. Students are placed in one of four different levels based on their test performance: Academic Warning, Below Standards, Meets Standards, Exceeds Standards.

87. In 2007, as in previous years, the performance of African American and Latino students fell far behind their white counterparts.

- Almost fifty percent (49.5%) of the third grade African-American students taking the test in reading received scores that placed them at the Academic Warning or Below Standards level. Nearly thirty-five percent (34.3%) of third grade Latino students placed at these levels.
- Over half (55.2%) of the fifth grade African American students and another thirty-six percent (35.7%) of Latino fifth graders' reading scores placed them at the Academic Warning or Below Standards level.
- Over thirty percent (31.8%) of African American third grade students and fifteen percent (15.2%) of Latino third graders placed at the bottom levels on the ISAT math assessment.



- Forty percent (39.8%) of the fifth grade African American students testing in math and eighteen percent (18.4%) of fifth grade Latinos placed at the bottom levels.

88. The PSAE is also designed to measure the achievement of eleventh grade high school students relative to the Illinois Learning Standards. Students are tested in reading, math, science and writing.

89. In 2007, a large majority (72%) of eleventh grade African American students who took the PSAE placed in the bottom Academic Warning or Below Standards level in reading and over eighty percent of those students placed at the bottom levels in math. Similarly, 67.1 percent of Latino high school students placed at the bottom in reading and 84 percent placed at the bottom levels in math.

90. In 2007, 25,500 Illinois public school students dropped out of high school. Over half of those students were either African American (38%) or Latino (27%).

91. In 2007, white students graduated at a rate of 92.2 percent while African Americans and Latinos graduated at a rate of approximately 74 percent.

92. Defendants have denied thousands of students in low property wealth school districts throughout the State of Illinois an adequate education by failing to establish a rational, equitable state education funding system that is related to the academic learning standards established to ensure that Illinois schools provide all students a “high quality” education.

93. Defendants have denied thousands of students in MMDs throughout the State of Illinois an adequate education by failing to establish a rational, equitable state education funding system that is related to the academic learning standards established to ensure that Illinois schools provide all students a “high quality” education.

94. The school funding system as adopted, enforced, and implemented by Defendants, is discriminatory, wholly inadequate, bears no rational relationship to any legitimate state purpose, and lacks any substantial relationship to an important government objective or the stated objective of “providing for the establishment of high quality educational institutions” and maintaining the primary responsibility to finance the system of public education in Illinois.

**COUNT I – VIOLATION OF THE ILLINOIS CIVIL RIGHTS ACT OF 2003**  
**(740 ILCS 23/5)**

95. For Paragraph 95, Plaintiffs incorporate the allegations set forth in paragraphs 1 through 94 as if fully set forth herein.

96. The Education Committee of the Sixth Illinois Constitutional Convention’s report on the proposed Education Article of the Illinois Constitution states that “[t]he opportunity for an education where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

97. Under the Illinois Constitution, Article X, Section 1, the State is specifically charged with the obligation to provide for the establishment of high quality educational institutions and services.

98. The State’s funding scheme has a discriminatory disparate impact on African American and Latino students who attend school in low property wealth school districts and MMDs. The system results in an allocation that leaves school districts with a high concentration of minority students having less funds, as measured by EAV per pupil.

99. The African American and Latino students who attend schools in these low property wealth school districts and MMDs are members of a protected class under the laws of Illinois.

100. The substantial disparities in funding are produced by and are the result of Defendants' school funding scheme.

101. Money is a crucial determinant of educational quality. The receipt of less school funding by school districts serving a substantial majority of African American and Latino students impacts their ability to deliver a "high quality" education to all students, including students represented by Plaintiffs.

102. Such impact is unjustified. Over the past several years, despite knowledge of the facts set forth in this Complaint, Defendants have re-enacted and implemented the inequitable state school funding scheme under 105 ILCS 5/18-8.05, most recently through the enactment of Pub. Act 095-0707, § 18-8.05 (2008), without making the substantial modifications that are necessary to address the blatant inequities and the disproportionate impact those inequities have on African American and Latino students who attend schools in low property wealth districts or MMDs.

103. Defendants have refused to take remedial steps, even though the detrimental impact of their failure to provide equitable levels of funding for African American and Latino students is well-recognized and was reasonably foreseeable.

104. Defendants' conduct has the effect of subjecting African American and Latino students to discrimination because of their race. This amounts to a violation of the Illinois Civil Rights Act of 2003, 740 ILCS 23/5.

105. The funding disparities resulting from Defendants' conduct irreparably injure minority students, especially African Americans and Latinos, by limiting their educational opportunities and irreversibly affecting their long term prospects for employment. Those students are without an adequate remedy at law and will continue to suffer irreparable harm

unless Defendants are preliminarily and permanently restrained and enjoined by the Court from continuing its enforcement and implementation of the existing school funding system.

106. WHEREFORE, Plaintiffs respectfully request that the Court enter an order:

- a. Declaring that the Defendants' enactment, adoption and implementation of the existing laws and regulations that comprise the state school funding scheme under Pub. Act 095-0707, § 18-8.05 (2008); 105 ILCS 5/18-8.05 has the effect of subjecting children of Plaintiffs' members and similarly situated students to discrimination on account of their race or color;
- b. Declaring that Defendants' enactment, adoption and implementation of the existing state funding scheme amounts to a violation of the Civil Rights Act of 2003;
- c. Preliminarily and permanently enjoining Defendants from implementing the existing GSA formula and appropriations adopted for Calendar Year 2009 and any year thereafter until such time as Defendants can demonstrate that the state funding scheme no longer has the effect of subjecting children of Plaintiffs' members and similarly situated students to discrimination because of their race or color;
- d. Requiring Defendants to ascertain the actual cost of providing all students throughout the State with an opportunity to receive a "high quality" education;
- e. Requiring Defendants to reform the current system of school funding to ensure that every school in the State of Illinois has the critical basic

resources necessary to provide all students the opportunity to receive a “high quality” education;

- f. Awarding Plaintiffs their costs of suit incurred herein, including reasonable attorneys’ fees available under 740 ILCS 23/5;
- g. Granting such other relief as the Court deems just and equitable.

**COUNT II - VIOLATION OF THE ILLINOIS CONSTITUTION**  
**(Article IX, Section 4, Uniformity of Taxation Clause)**

107. For Paragraph 107, Plaintiffs incorporate the allegations set forth in paragraphs 1 through 106 as if fully set forth herein.

108. Article IX, Section 4 of the Illinois Constitution specifically provides that “taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law.”

109. The Uniformity of Taxation Clause of the Illinois Constitution requires uniformity in both the basis of assessment and in the rate of taxation. Therefore, a State purpose must be accomplished by the levy of a State tax and not by the levy of a tax by an inferior unit of local government such as a county or municipality.

110. The provision of an efficient system of high quality public educational institutions and services in Illinois is not only a State purpose, but is also a State obligation pursuant to the Education Article of the Illinois Constitution.

111. The State also has the primary responsibility for financing the system of public education.

112. The entire State of Illinois is the taxing district for the purposes of levying taxes to raise revenue to support public schools.

113. However, Defendants' school funding scheme requires that the majority of the dollars Defendants disburse to school districts be raised through the levy of local property taxes.

114. The tax rate of the local real property taxes that are levied by local municipal governments for the purpose of funding public schools statewide varies in different municipalities across the state and therefore is not uniform.

115. Defendants' willful violation of the Illinois Constitution has irreparably harmed the children of Plaintiffs' members and similarly situated taxpayers throughout the State of Illinois. Plaintiffs' members are without an adequate remedy at law and will continue to suffer irreparable harm, unless Defendants are preliminarily and permanently restrained and enjoined by the Court from continuing its enforcement and implementation of the existing school funding system.

116. WHEREFORE, Plaintiffs respectfully request that the Court enter an order:

- a. Declaring that Defendants' enactment, adoption and implementation of the existing state funding scheme Pub. Act 095-0707, § 18-8.05 (2008); 105 ILCS 5/18-8/05 amounts to a violation of the Uniformity of Taxation provision of the Illinois Constitution, Article IX, Section 4;
- b. Preliminarily and permanently enjoining Defendants from implementing the existing GSA formula and appropriations adopted for Calendar Year 2009 and any year thereafter until such time as Defendants can demonstrate that the state funding scheme complies with the requirements of the Uniformity of Taxation provision of the Illinois Constitution;
- c. Awarding Plaintiffs their costs of suit incurred herein;
- d. Granting such other relief as the Court deems just and equitable.

**COUNT III - VIOLATION OF THE ILLINOIS CONSTITUTION**  
**(Article X, Section 1, The Education Article)**

117. For Paragraph 117, Plaintiffs incorporate the allegations set forth in paragraphs 1 through 116 as if fully set forth herein.

118. Article X, Section 1 of the Illinois Constitution requires that the State “provide for an efficient system of high quality public educational institutions and services.”

119. The Illinois Learning Standards, required by the Illinois Quality School Act (House Bill 2596) and Section 5/2-3.63 of the Illinois School Code, were established by Defendants to define what public school students should know and be able to do in core academic areas. The ILS provide satisfactory criteria by which to measure the quality of education.

120. The No Child Left Behind Act, 20 U.S.C. § 6311 (b)(2)(F), requires that all Illinois students *must* meet or exceed the Illinois Learning Standards by the 2013-2014 school year.

121. Defendants administer two assessments annually, the ISAT and the PSAE, for the purpose of measuring student progress toward the achievement of the Illinois Learning Standards. The results of these assessments make it possible to determine whether school districts provide students with a “high quality” education.

122. In order for students to achieve the Illinois Learning Standards, they must have access to critical basic resources such as adequate school facilities, qualified teachers, small class sizes, early childhood education, and effective academic intervention programs. The level of funding available to some school districts in Illinois leaves them unable to provide these critical basic resources to students.

123. Defendants' school funding scheme provides inadequate funding to many school districts and denies thousands of public school students across Illinois, the opportunity to obtain a high quality education and to meet the Illinois Learning Standards.

124. Defendants' conduct in enacting, enforcing and implementing this school funding scheme amounts to violation of Article X, Section 1 of the Illinois Constitution.

125. Defendants' willful violation of the Illinois Constitution has irreparably harmed Plaintiffs' members and their children and similarly situated students throughout the State of Illinois by limiting their educational opportunities and irreversibly affecting their long term prospects for employment. Plaintiffs are without an adequate remedy at law and will continue to suffer irreparable harm, unless Defendants are preliminarily and permanently restrained and enjoined by the Court from continuing its enforcement and implementation of the existing school funding system.

126. WHEREFORE, Plaintiffs respectfully request that the Court enter an order:

- a. Declaring that Defendants have failed to appropriate sufficient funds to permit school districts, including those attended by children of Plaintiffs' members and similarly situated students across the State of Illinois, necessary to enable those districts to provide the critical basic resources necessary to ensure students have the opportunity to meet or exceed the Illinois Learning Standards;
- b. Declaring that Defendants' enactment, adoption and implementation of the existing state funding scheme under Pub. Act 095-0707, § 18-8.05 (2008); 105 ILCS 5/18-8/05 amounts to a violation of the Education Article of the Illinois Constitution, Article X, Section 1;



- c. Preliminarily and permanently enjoining Defendants from implementing the existing GSA formula and appropriations adopted for Calendar Year 2009 and any year thereafter until such time as Defendants can demonstrate that the state funding scheme complies with the requirements of the Education Article of the Illinois Constitution;
- d. Preliminarily and permanently enjoining Defendants from implementing the existing GSA formula and appropriations adopted for Calendar Year 2009 and any year thereafter until such time as Defendants can demonstrate that the state funding scheme provides all school districts with sufficient funding to provide students a reasonable opportunity to attend a high quality public educational institution;
- e. Requiring Defendants to ascertain the actual cost of providing all students throughout the State with an opportunity to receive a “high quality” education;
- f. Requiring Defendants to reform the current system of school funding to ensure that every school in the State of Illinois has the critical basic resources necessary to provide all students the opportunity to receive a “high quality” education;
- g. Awarding Plaintiffs their costs of suit incurred herein;
- h. Granting such other relief as the Court deems just and equitable.

**COUNT IV - VIOLATION OF THE ILLINOIS CONSTITUTION**  
**(Article I, Section 2, For Equal Protection Under The Laws - MMDs)**

127. For Paragraph 127, Plaintiffs incorporate the allegations set forth in paragraphs 1 through 126 as if fully set forth herein.

128. The Equal Protection Clause of the Illinois Constitution, Article I, Section 2, prohibits legislation that denies equal protection under the law.

129. The school funding scheme under Pub. Act 095-0707, § 18-8.05 (2008); 105 ILCS 5/18-8.05 that has been enacted, enforced and implemented by Defendants allocates dollars to school districts on a highly inequitable basis. The system produces a disparity in the amount of funding made available to students who attend schools in Majority-Minority Districts as compared to majority white school districts.

130. The funds provided to Majority-Minority Districts are inadequate and deny thousands of minority public school students across Illinois, particularly African American and Latino students, an equal opportunity to obtain a high quality education and to meet the Illinois Learning Standards.

131. Therefore, the inequitable school funding scheme treats similarly situated students dissimilarly without any compelling reason to do so and impermissibly discriminates on the basis of race against African American and Latino students who attend schools in Majority-Minority Districts throughout the state.

132. Defendants' conduct in enacting, adopting and implementing this school funding scheme deprives these students of equal protection under the law and amounts to violation of Article I, Section 2 of the Illinois Constitution.

133. Defendants' willful violation of the Illinois Constitution has irreparably harmed these students throughout the State of Illinois by limiting their educational opportunities and irreversibly affecting their long term prospects for employment. These students are without an adequate remedy at law and will continue to suffer irreparable harm unless Defendants are

preliminarily and permanently restrained and enjoined by the Court from continuing its enforcement and implementation of the existing school funding system.

134. WHEREFORE, Plaintiffs respectfully request that the Court enter an order:

- a. Declaring that Defendants have failed to appropriate sufficient funds to enable low property wealth and Majority-Minority Districts, including those attended by children of Plaintiffs' members and similarly situated students across the State of Illinois, to provide the critical basic resources necessary to ensure all students have the opportunity to meet or exceed the Illinois Learning Standards;
- b. Declaring that Defendants' enactment, adoption and implementation of the existing state funding scheme under Pub. Act 095-0707, § 18-8.05 (2008); 105 ILCS 5/18-8/05 deprives children of Plaintiffs' members and similarly situated students equal protection under the laws in violation of the Education Article of the Illinois Constitution, Article I, Section 2;
- c. Preliminarily and permanently enjoining Defendants from implementing the existing GSA formula and appropriations adopted for Calendar Year 2009 and any year thereafter until such time as Defendants can demonstrate that the state funding scheme complies with the requirements of the Equal Protection Clause of the Illinois Constitution;
- d. Preliminarily and permanently enjoining Defendants from implementing the existing GSA formula and appropriations adopted for Calendar Year 2009 and any year thereafter until such time as Defendants can demonstrate that the state funding scheme provides all school districts

- with sufficient funding to provide students a reasonable opportunity to attend a high quality public educational institution;
- e. Requiring Defendants to ascertain the actual cost of providing all students throughout the State with an opportunity to receive a “high quality” education;
  - f. Requiring Defendants to reform the current system of school funding to ensure that every school in the State of Illinois has the critical basic resources necessary to provide all students the opportunity to receive a “high quality” education;
  - g. Awarding Plaintiffs their costs of suit incurred herein;
  - h. Granting such other relief as the Court deems just and equitable.

**COUNT V - VIOLATION OF THE ILLINOIS CONSTITUTION**  
**(Article I, Section 2, For Equal Protection Under The Laws - Low Property Wealth)**

135. For Paragraph 135, Plaintiffs incorporate the allegations set forth in paragraphs 1 through 134 as if fully set forth herein.

136. The Equal Protection Clause of the Illinois Constitution, Article I, Section 2, prohibits legislation that denies equal protection under the law.

137. The school funding scheme under Pub. Act 095-0707, § 18-8.05 (2008); 105 ILCS 5/18-8.05 that has been enacted, enforced and implemented by Defendants allocates dollars to school districts on a highly inequitable basis. The system consistently produces a disparity in the amount of funding made available to students who attend schools in low property wealth school districts as compared to high property wealthy school districts.

138. The funds provided to low property wealth school districts is inadequate and denies thousands of public school students across Illinois an equal opportunity to obtain a high quality education and to meet the ILS.

139. The inequitable school funding scheme also impermissibly discriminates against students who attend schools in low property wealth school districts throughout the State.

140. Defendants' conduct in enacting, enforcing and implementing this school funding scheme deprives these students of equal protection under the law and violates Article I, Section 2 of the Illinois Constitution.

141. Defendants' willful violation of the Illinois Constitution has irreparably harmed students throughout the State of Illinois by limiting their educational opportunities and irreversibly affecting their long term prospects for employment. These students are without an adequate remedy at law and will continue to suffer irreparable harm unless Defendants are preliminarily and permanently restrained and enjoined by the Court from continuing their enforcement and implementation of the existing school funding system.

142. WHEREFORE, the Plaintiffs respectfully request that the Court enter an order:

- a. Declaring that Defendants have failed to appropriate sufficient funds to enable low property wealth and Majority-Minority Districts, including those attended by children of Plaintiffs' members and similarly situated students across the State of Illinois, to provide the critical basic resources necessary to ensure all students have the opportunity to meet or exceed the ILS;
- b. Declaring that Defendants' enactment, adoption and implementation of the existing state funding scheme under Pub. Act 095-0707, § 18-8.05 (2008);


105 ILCS 5/18-8.05 deprives the children of Plaintiffs' members and similarly situated students equal protection under the laws in violation of the Education Article of the Illinois Constitution, Article I, Section 2;

- c. Preliminarily and permanently enjoining Defendants from implementing the existing GSA formula and appropriations adopted for Calendar Year 2009 and any year thereafter until such time as Defendants can demonstrate that the state funding scheme complies with the requirements of the Equal Protection Clause of the Illinois Constitution;
- d. Preliminarily and permanently enjoining Defendants from implementing the existing GSA formula and appropriations adopted for Calendar Year 2009 and any year thereafter until such time as Defendants can demonstrate that the state funding scheme provides all school districts with sufficient funding to provide students a reasonable opportunity to attend a high quality public educational institution;
- e. Requiring Defendants to ascertain the actual cost of providing all students throughout the State with an opportunity to receive a "high quality" education;
- f. Requiring Defendants to reform the current system of school funding to ensure that every school in the State of Illinois has the critical basic resources necessary to provide all students the opportunity to receive a "high quality" education;
- g. Awarding Plaintiffs their costs of suit incurred herein;
- h. Granting such other relief as the Court deems just and equitable.

Dated: August 20, 2008

Respectfully Submitted,

CHICAGO URBAN LEAGUE  
AND QUAD COUNTY URBAN LEAGUE

By:   
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## VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the foregoing Verified Complaint are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

Dated: August 19, 2008

A handwritten signature in black ink, appearing to read "S. Jones", written over a horizontal line.

Sharon Jones  
Executive Vice President and Chief Operating Officer  
on behalf of the Chicago Urban League