

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

COREY H., LATRICIA H., ANDREW B., and )  
JASON E., by their parents and next friends, )  
SHIRLEY P., BEVERLY HL, SHARON B., and )  
STEPHEN E., on behalf of a class of similarly )  
situated persons, )

Plaintiff, )

v. )

THE BOARD OF EDUCATION OF THE CITY )  
OF CHICAGO, and THE ILLINOIS STATE )  
BOARD OF EDUCATION, )

Defendants. )

No. 92 C 3409

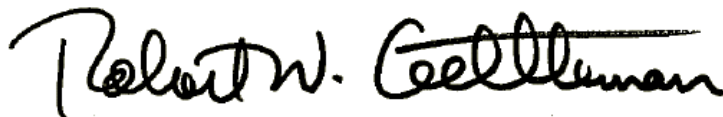
Judge Robert W. Gettleman

**ORDER**

This matter came before the court on the following: (1) plaintiffs’ appeal of the Monitor’s decision to extend the term of the settlement agreement to September 1, 2010; (2) the Board of Education of the City of Chicago’s (“CPS’s”) appeal of the Monitor’s decision to extend the term of the settlement agreement to September 1, 2010; (3) plaintiffs’ appeal of the Monitor’s decision to count the schools that submitted compliance reports prior to October 2005 toward the 178 CPS Education Connection schools; (4) CPS’s appeal of the Monitor’s decision to require “additional compliance activities” for schools meeting the benchmarks and LRE indicators; (5) CPS’s appeal of the Monitor’s decision not to raise the maximum enrollment target of 20% for general education classrooms; and (6) the Monitor’s notice of CPS’s non-compliance. Hearings were held on these matters on February 23, 2007, and March 7, 2007. For the reasons stated on the record, the court made the following rulings:

- (1) Plaintiffs' appeal of the Monitor's decision to extend the term of the settlement agreement to September 1, 2010 is denied.
- (2) The Board of Education of the City of Chicago's appeal of the Monitor's decision to extend the term of the settlement agreement to September 1, 2010 is denied. Consequently, the CPS settlement is extended in its entirety to September 1, 2010.
- (3) Plaintiff's appeal of the Monitor's decision with respect to the [37] schools whose reports were submitted prior to October 2005 is denied.
- (4) CPS's appeal of the Monitor's decision to require additional compliance activities for schools meeting the benchmarks and LRE indicators is denied. The court reaffirms the Monitor's authority to review reports that have been submitted by the schools and reviewed by CPS and found to be in compliance. The court notes that CPS has agreed that compliance for the Education Connection schools consists of meeting 85% of the goals of the nine benchmarks and substantial compliance with the ten LRE indicators as set forth in the monitor's decision of November 1999. In addition, the Monitor has the authority under the settlement agreement with CPS to require supplemental information and compliance activities.
- (5) CPS's appeal of the Monitor's decision not to raise the maximum enrollment target of 20% for general education classrooms is denied. CPS has failed to present sufficient reasons to alter the maximum percentage of children with disabilities in a school beyond the 20% that has been in force throughout the course of the administration of the settlement of this case. The ISBE's regulation setting the maximum classroom percentage at 30% does not compel or change the percentage allowed per school. The 20% cap may be waived upon application by CPS, and is a remedial measure put in place to correct the institutional segregation of children with disabilities that led to this litigation.
- (6) Monitor's notice of lack of cooperation: CPS has stated that it has "removed all funds not approved by the Monitor before the school's budgets." The parties are directed to meet and confer to ensure that this commitment is fulfilled.
- (7) This matter is set for a report on status April 9, 2007, at 10:00 a.m.

**ENTER: March 7, 2007**



---

**Robert W. Gettleman**  
**United States District Judge**