

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 DENYING THE CHICAGO BOARD OF EDUCATION’S OBJECTIONS TO  
AND APPEAL OF THE ILLINOIS STATE BOARD OF EDUCATION’S 11TH ANNUAL  
DISTRICT- WIDE FINDINGS<sup>1</sup>**

As it has for a number of years, CPS appeals from the latest, and last, DWF issued by the ISBE. Unlike its previous appeals, with the court’s approval CPS has taken the instant appeal directly to the court without first appealing to the Monitor because of the termination of the ISBE Settlement Agreement this year and the imminent termination of the CPS Settlement Agreement on September 1, 2012.

As noted by the Monitor, plaintiffs and the ISBE, and acknowledged by CPS itself, the instant appeal essentially repeats the same objections CPS has made in the past about earlier DWFs. This court will not waste any more time or ink responding to these repetitive complaints, which have been rejected time and time again. Instead, the court refers the parties to its order dated July 14, 2011 (Doc. 777), which articulated the reasons that the court, like the Monitor, has

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<sup>1</sup>The court will employ herein the terms of art defined in its previous orders.

rejected CPS's complaints about ISBE's methodologies, selection of schools to be monitored, methods of calculation, and subsequent monitoring visits.

The court recognizes and appreciates the dedication and professionalism of CPS's able in-house counsel and its professional staff. CPS's continual decisions to litigate matters that have long been finally decided by the Monitor and the court is therefore as disappointing as it is inconsistent with the recognition by all parties and the court that CPS labors under severely limiting fiscal and political constraints. These realities would seem to call for the conservation and devotion of limited resources to educating children with disabilities consistent with CPS's obligations under the IDEA and its Settlement Agreement, rather than needless litigation, the costs of which is borne substantially by CPS.<sup>2</sup>

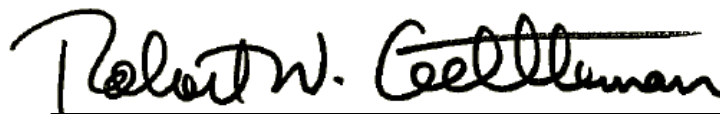
To repeat what this court has said on numerous occasions, contrary to CPS's claims, it is not a victim of a campaign by ISBE, the Monitor and plaintiffs, and indeed this court, to somehow thwart its efforts to provide a free appropriate public education to children with disabilities. It continues to be the hope and expectation of this court that at the close of this case, on the final approval of the Monitor's report on CPS's compliance with its Settlement Agreement in 2013, that all the parties and the Chicago community will recognize and appreciate the efforts that CPS's able staff has made as a result of this litigation. The court encourages CPS to devote its resources to that effort rather than to costly and time consuming litigation of issues that have long become the law of the case.

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<sup>2</sup>Under the ISBE and CPS Settlement Agreements, CPS pays a portion of plaintiffs' attorneys fees and the Monitor's fee. Of course, all costs associated with this litigation represents scarce public funds.

CPS's objections to an appeal from the ISBE's 11th District-Wide Findings are denied.

**ENTER:      November 23, 2011**

A handwritten signature in black ink that reads "Robert W. Gettleman". The signature is written in a cursive style with a horizontal line underneath the name.

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