

**IN THE CIRCUIT COURT OF THE 20TH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY**

CAHOKIA UNIT SCHOOL DISTRICT )  
NUMBER 187, GRANT CENTRAL )  
CONSOLIDATED SCHOOL DISTRICT )  
NUMBER 110, PANA COMMUNITY UNIT )  
SCHOOL DISTRICT NUMBER 8, )  
BETHALTO COMMUNITY UNIT SCHOOL )  
DISTRICT NUMBER 8, BOND COUNTY )  
COMMUNITY UNIT SCHOOL DISTRICT )  
NUMBER 2, BUNKER HILL COMMUNITY )  
UNIT SCHOOL DISTRICT NUMBER 8, )  
GILLESPIE COMMUNITY UNIT SCHOOL )  
DISTRICT NUMBER 7, ILLINOIS VALLEY )  
CENTRAL COMMUNITY UNIT SCHOOL )  
DISTRICT NUMBER 321, MT. OLIVE )  
COMMUNITY UNIT SCHOOL DISTRICT )  
NUMBER 5, MULBERRY GROVE )  
COMMUNITY UNIT SCHOOL DISTRICT )  
NUMBER 1, NOKOMIS COMMUNITY )  
UNIT SCHOOL DISTRICT NUMBER 22, )  
SOUTHWESTERN COMMUNITY UNIT )  
SCHOOL DISTRICT NUMBER 9, )  
STAUNTON COMMUNITY UNIT SCHOOL )  
DISTRICT NUMBER 6, VANDALIA )  
COMMUNITY UNIT SCHOOL DISTRICT )  
NUMBER 203, WOOD RIVER-HARTFORD )  
SCHOOL DISTRICT NUMBER 15, )  
CARLINVILLE COMMUNITY UNIT )  
SCHOOL DISTRICT NUMBER 1, and )  
TAYLORVILLE COMMUNITY UNIT )  
SCHOOL DISTRICT NUMBER 3, )

Plaintiffs, )

v. )

BRUCE RAUNER, GOVERNOR OF )  
ILLINOIS, in his official capacity, ILLINOIS )  
STATE BOARD OF EDUCATION, and )  
STATE OF ILLINOIS, )

Defendants. )

Case No. 2017-CH-

## COMPLAINT

### **Introduction**

1. As set forth in Count I, the plaintiff school districts seek to enforce Article X, section 1 of the Illinois Constitution by requiring the State defendants: (1) to adopt and use an evidence-based or other recognized methodology to calculate the per-pupil resources necessary for the respective plaintiff districts to meet or exceed the Illinois Learning Standards adopted by the Illinois State Board of Education (ISBE), pursuant to 105 ILCS 5/2-3.64a-5; and (2) to pay to all plaintiff districts the additional funds required by such calculation to meet or exceed the Illinois Learning Standards mandated under this section. Article X, section 1 of the Illinois Constitution states: “The State *shall* provide for an efficient system of *high quality* education.” Ill. Const. Art. X, § 1 (emphasis supplied). Until 1997, the State defendants had no official definition of “high quality education” or any specific type of education—namely, what students in the plaintiff districts had to know and be able to do. The Illinois Learning Standards adopted by ISBE in 1997—and increased in both rigor and cost today—set out in detail the knowledge and specific skills that all students of the plaintiff districts must demonstrate. Accordingly, under Article X, § 1 of the Constitution, the State defendants “shall provide” the funding for the “high quality” education defined in the Learning Standards now in effect under 105 ILCS 5/2-3.64a5.

2. Because of limited revenues from the property tax, all the plaintiffs in this action have local resources per pupil well below the statewide average. General State Aid to school districts is supposed to partly compensate for local fiscal disparities, as well as to provide additional resources to school districts on the basis of enrollment and concentration of low income students. However, the level and distribution of General State Aid has only a limited impact on the disparities among school districts. Furthermore, it has no relationship to the cost to

the plaintiffs of achieving the Illinois Learning Standards. Now that the Illinois Learning Standards determine the actual resources that the plaintiff districts must have to provide a “high quality” education or the specific education on which the plaintiff districts will be assessed, plaintiffs seek an order requiring State defendants to select an appropriate *evidence-based* methodology to determine the cost to each district of achieving the Illinois Learning Standards or making reasonable progress in doing so. Following such calculation by the State defendants, the same order shall require that the State defendants pay such additional annual cost.

3. As set forth in Count II, the failure of State defendants to fund the specific high quality education required by the Learning Standards denies the right of the plaintiff districts and the students they represent here to equal protection of the laws, in violation of Article I, section 2 of the Illinois Constitution. While the goal of local control may have once been a rational basis for wide disparities in resources across local school districts before the Illinois Learning Standards existed, the Learning Standards now preclude the local control that previously existed. There is no longer a rational basis for the State’s extreme disparities in funding public education. Plaintiffs have a fundamental right under Article X, section 1 and Article I, section 2 to funding by the State of the specific education that is now required by the Illinois Learning Standards pursuant to State law.

4. In addition, as set forth in Count III, it is arbitrary and capricious to assess Illinois students under the Illinois Learning Standards that are neither equally nor adequately funded and that are then used to determine whether students in the plaintiff districts should be admitted into the State’s public institutions of higher education. In such manner, the State defendants exclude students in the plaintiff districts from the same access that students in wealthier districts have to the State’s public institutions of higher education. Accordingly, by failing to provide appropriate

funding of the Illinois Learning Standards, the State defendants deny to the students represented here by the plaintiff districts their right to equal protection of the laws and their substantive right to due process, in violation of Article I, section 2 of the Illinois Constitution.

### **Parties**

5. Plaintiffs Cahokia Unit School District Number 187, Grant Central Consolidated School District Number 110, Pana Community Unit School District Number 8, Bethalto Community Unit School District Number 8, Bond County Community Unit School District Number Number 2, Bunker Hill Community Unit School District Number 8, Gillespie Community Unit School District Number 7, Illinois Valley Central Community Unit School District Number 321, Mt. Olive Community Unit School District Number 5, Mulberry Grove Community Unit School District Number 1, Nokomis Community Unit School District Number 22, Southwestern Community Unit School District Number 9, Staunton Community Unit School District Number 6, Vandalia Community Unit School District Number 203, Wood River-Hartford School District Number 15, Carlinville Community Unit School District Number 1, and Taylorville Community Unit School District Number 3 are school boards created by Article 10 of the Illinois School Code, 105 ILCS 5/10-1 *et seq.*,

6. Plaintiffs are located in St. Clair, Bond, Christian, Fayette, Jersey, Macoupin, Madison, Montgomery, and Peoria, counties.

7. Defendant Bruce Rauner is the Governor of Illinois, sued in his official capacity.

8. Defendant ISBE is an agency created by Article 2 of the Illinois School Code.

9. Defendant State of Illinois is responsible for providing a high quality education under the Illinois Constitution.

## **Facts**

10. In 1985 Illinois was one of the first states to adopt “goals” for learning and specifically adopted 34 State Goals.

11. These goals were “broadly stated, relatively timeless expressions of what the State of Illinois wants and expects its students to know and be able to do as a consequence of their elementary and secondary education.”

12. These goals were so broadly worded as not to be susceptible to assessment or accountability by the local plaintiff districts.

13. In 1997, however, Illinois recognized that such goals were not sufficiently definite, clear and, specific as to what kind of education Illinois students had to receive.

14. Consequently, at the direction of the General Assembly in the Illinois Quality School Act, the defendant ISBE adopted the Illinois Learning Standards with the purpose of holding the plaintiff districts accountable for meeting or achieving such Learning Standards.

15. The Illinois Learning Standards—as set forth by defendant ISBE on its web site, at <https://www.isbe.net/Pages/Learning-Standards.aspx>—are “clear and specific standards” that “communicate to students, teachers and parents exactly what is expected for students to learn.”

16. As further set forth by defendant ISBE on its web site, the Illinois Learning Standards are necessary because “students learn best when they are clear about what they are expected to know and do.”

17. The original Illinois Learning Standards adopted in 1997 have been revised repeatedly and expanded.

18. In particular, since 1997 the Illinois Learning Standards have significantly increased in the rigor of requirements and benchmarks and in the specificity of the direction to plaintiff districts.

19. In June 2010 and as required by 105 ILCS 5/2-3.64a-5, defendant ISBE adopted the Common Core State Standards for English language arts and mathematics as part of the Illinois Learning Standards.

20. According to ISBE, the Illinois Learning Standards including the rigorous Common Core standards are designed to “establish clear expectations for what students should learn” and “ensure that students are prepared for success in college and the workforce.”

21. Since 1997 the cost to plaintiff districts of meeting or exceeding the Illinois Learning Standards has increased significantly as well.

22. The additional cost of complying with the Illinois Learning Standards as they now exist is beyond the financial means available to plaintiff districts from the combination of state and local resources, in particular the revenue from local property taxes.

23. Furthermore, State law bars the plaintiff districts from going into debt to meet or achieve the Learning Standards.

24. At the same time plaintiff districts receive insufficient financial aid from the State of Illinois to carry out the academic and other programs necessary for students to meet or exceed the Learning Standards.

25. For all the plaintiff districts, the combined state and local revenue per pupil is below the average of all districts in the State, and far below that of the districts in the top fifth of local resources per pupil.

26. As a result, each of the plaintiff districts is spending significantly under the state average of \$7,712 per student for instructional expenses and \$12,821 for operating expenses (including instruction).

27. Since fiscal year 2011, the State financial aid received by the plaintiff districts from the State defendants has actually dropped, even as the costs necessary to meet the Illinois Learning Standards required by State law have increased.

28. The largest form of State funding for local school districts is General State Aid (GSA), which has two main components: regular GSA to deal with inadequate local resources; and supplement GSA to help districts with low-income students.

29. Regular GSA grants represent the state share of the “Foundation Level,” which is designed to provide a minimum amount of funding per pupil from the combination of state and local resources.

30. GSA is calculated as the Foundation Level minus a district’s “available local resources” per pupil, which is based primarily on property tax wealth.

31. For the last eight years, without any change, the Foundation Level as determined by the General Assembly has remained fixed at \$6,119 per student.

32. As an example of the use of the Foundation Level, a district that has available local resources of \$2,000 per pupil is supposed to receive a regular GSA grant that represents the difference between the Foundation Level and its revenue, or \$4,119 per pupil.

33. Each school district also receives a Supplemental GSA grant based on the number and concentration of low-income students in the district.

34. Through General State Aid (GSA), the State defendants are supposed to bring up the funding available to the plaintiffs to meet the Foundation Level.

35. Originally, at the time of its last adjustment eight years ago, the Foundation Level was supposed to calculate the basic cost of providing an adequate education for two-thirds of the students in the public schools.

36. These students are so called “not-at risk” children who do not have special needs as a result of being low-income, having disabilities, or being English language learners.

37. Districts receive supplemental GSA grants to meet the needs of low-income students as well as the higher costs associated with larger concentrations of low-income students.

38. Districts receive separate categorical grants for special education and bilingual education.

39. The Foundation Level is not tied in any way to the cost of meeting the Illinois Learning Standards adopted by defendant ISBE even as they existed eight years ago.

40. Furthermore, the costs of the Learning Standards have increased, especially since 2010 when the State aligned the Learning Standards with the Common Core State Standards in place in Illinois and certain other states.

41. Without change for eight years, the Foundation Level, adjusted for inflation, has dropped by \$920 per student, or by 15 percent of its original value.

42. Furthermore, in recent years, the General Assembly failed to appropriate even the nominal amount of the Foundation Level.

43. Instead, in response to the General Assembly’s action, the State defendants have adopted a system of “proration,” cutting GSA to all districts equally, whether wealthy or poor.

44. Such proration has had a disparate impact on the plaintiff districts and other districts that have low levels of property wealth.

45. These districts are more dependent than affluent districts on receiving State aid to meet the Illinois Learning Standards.

46. Some plaintiff districts also suffer because they have high concentrations of low-income students.

47. On many occasions, the State defendants have stated that the current system of funding is unfair, especially in light of the Illinois Learning Standards now being imposed.

48. In contrast to prior years—especially before 1997—the State defendants now reject the notion that plaintiff districts should have full local control over the content of what students must learn or the skills they must achieve.

49. As stated ISBE’s website, such local control is unfair to the students because “part of being fair is to maintain the same high standards for all students, wherever they may live.”

50. Defendant ISBE has stated that there is an obligation on the part of the State to eliminate local control to this extent: “Setting state standards is part of meeting Illinois’ obligation to provide fair and equitable educational opportunities for all students.”

51. Furthermore, ISBE has adopted and held the plaintiff school districts accountable for meeting these standards, without regard to the additional local resources that the plaintiff school districts need for special programs and instructional skills.

52. In 2010, as set out in 105 ILCS 5/2-3.64a-5, defendant ISBE was required to have in place the Illinois Learning Standards.

53. By the same law, defendant ISBE is required to conduct assessments of schools and to hold those schools accountable for meeting the Illinois Learning Standards.

54. The State defendants have recently used assessments that are prepared by the Partnership for Assessment for Readiness for College and Careers (PARCC).

55. The law requires that such assessments—now conducted in elementary schools primarily through the PARCC exams—be aligned to the Illinois Learning Standards.

56. The State defendants in effect grade the plaintiff districts by the percentage of students who meet or exceed expectations in the PARCC examinations.

57. The following table uses the school district characteristics, including combined state and local resources and percentage of low-income students, to show the increasing disparity in the test results between the plaintiff districts and more affluent districts of the state:

<b>Profiles of Plaintiff School Districts and Selected Affluent School Districts</b>								
	Type	2015-16		FY15 per pupil revenue			% Meeting or Exceeding	
		Students	% low-income	Local	State	Local & State	2011-12 ISAT	2015-16 PARCC
<b>Plaintiff districts</b>								
Bethalto CUSD 8	Unit	2,485	49.1	4,659	4,653	9,312	82.1	27.6
Bond County CUSD 2	Unit	1,901	46.4	4,591	4,257	8,848	86.1	35.5
Bunker Hill CUSD 8	Unit	645	43.3	3,995	4,861	8,856	82.9	30.9
Cahokia CUSD 187	Unit	3,490	73.7	3,270	9,608	12,878	69.0	5.3
Carlinville CUSD 1	Unit	1,466	43.2	4,669	3,422	8,091	89.5	43.3
Gillespie CUSD 7	Unit	1,322	70.8	3,877	6,091	9,968	80.1	29.6
Grant CCSD 110	Elem	607	52.9	8,369	3,270	11,640	79.8	23.1
Illinois Valley Central USD 321	Unit	2,176	34.7	6,827	2,536	9,363	86.1	41.9
Mount Olive CUSD 5	Unit	494	44.7	4,616	4,582	9,199	85.8	27.0
Mulberry Grove CUSD 1	Unit	425	52.2	4,129	5,033	9,162	81.2	27.8
Nokomis CUSD 22	Unit	640	45.2	4,477	4,795	9,272	78.1	43.2
Pana CUSD 8	Unit	1,314	64.5	5,190	4,863	10,053	83.9	27.0
Southwestern CUSD 9	Unit	1,512	36.8	4,455	4,208	8,663	86.6	39.2
Staunton CUSD 6	Unit	1,273	37.9	3,648	4,101	7,750	87.2	37.2
Taylorville CUSD 3	Unit	2,628	53.9	5,269	3,848	9,118	85.7	28.1
Vandalia CUSD 203	Unit	1,536	55.1	5,401	4,620	10,021	78.2	18.3
Wood River-Hartford ESD 15	Elem	749	63.2	6,030	2,947	8,976	79.7	12.7
<b>Comparison districts</b>								
Deerfield SD 109	Elem	2,973	1.0	18,588	840	19,428	96.0	76.2
Glencoe SD 35	Elem	1,215	1.0	21,630	938	22,568	95.9	70.4
Gower SD 62	Elem	865	13.2	19,459	720	20,179	95.7	65.7
Hinsdale CCSD 181	Elem	3,853	3.5	18,674	749	19,424	98.2	68.9
Kenilworth SD 38	Elem	485	0.0	25,969	470	26,438	99.0	77.3
LaGrange Highlands SD 106	Elem	815	6.7	16,067	1,181	17,249	95.3	66.8
Lake Forest SD 67	Elem	1,783	1.5	19,481	670	20,151	96.3	60.7
Lincolnshire-Prairieview SD 103	Elem	1,706	3.0	18,318	875	19,193	97.9	81.9
Lisle CUSD 202	Unit	1,506	28.5	21,671	1,561	23,232	91.2	63.7
Northbrook ESD 27	Elem	1,297	2.5	22,612	911	23,523	96.1	79.4
Northbrook/Glenview SD 30	Elem	1,130	1.8	21,596	701	22,297	97.1	78.8
Oak Grove SD 68	Elem	822	0.4	18,589	762	19,351	95.3	75.1
River Forest SD 90	Elem	1,370	5.1	16,914	1,087	18,001	96.2	69.7
Sunset Ridge SD 29	Elem	477	2.1	28,413	908	29,322	96.0	74.8
Wilmette SD 39	Elem	3,740	3.4	15,933	1,084	17,017	96.9	71.1
Winnetka SD 36	Elem	1,763	0.1	24,896	629	25,525	97.9	65.9
<b>Statewide average</b>								
			49.9	9,788	3,620	13,408	82.1	33.4

Note: Revenue per pupil based on 9-month average daily attendance.

58. As set forth in the table, the disparities in test results have significantly increased as defendant ISBE has aligned the Learning Standards with the Common Core requirements.

59. During the same time period, from fiscal year 2011 to fiscal year 2015, the plaintiff districts have, on average, lost \$871 in state revenue per pupil.

60. While the plaintiff districts have, on average, increased local revenue per pupil by \$576 during that time period, the result is an average \$295 loss in combined state and local revenue per pupil.

61. During that same time period, from fiscal year 2011 to fiscal year 2015, the “Comparison districts” listed above have only lost, on average, \$54 in state revenue per pupil.

62. These comparison districts have, on average, increased local revenue per pupil by \$2,719 during that time period, resulting in an average gain of \$2,665 in combined state and local revenue per pupil.

63. During that same time period, from fiscal year 2011 to fiscal year 2015, the statewide average in state revenue per pupil has declined by \$123.

64. The statewide average in local revenue has increased by \$896 per pupil during that time period, resulting in an average gain of \$772 in combined state and local revenue per pupil.

65. The scores of the students who take these assessments are part of the records of students in the plaintiff districts.

66. The increasing disparity in test results for the Illinois Learning Standards that the State defendants fail to fund have made it more difficult for the students in the plaintiff districts to be admitted or to be deemed qualified for admission to the State’s public institutions for post-secondary education.

67. Furthermore, the increasing disparity has made it even more difficult for the plaintiff districts to prevent the loss of students who are not low-income and whose parents are able to place them in other schools or move to other school districts.

68. Such loss of population further reduces the local resources available to the plaintiff districts to fund the Illinois Learning Standards and leads to an even further increase in the disparity with wealthy districts.

69. Pursuant to 105 ILCS 5/2-3.64a-5, the General Assembly requires that the defendant ISBE receive public comment in developing the Learning Standards.

70. Accordingly, by legislative intent and as implemented by defendant ISBE, the current Illinois Learning Standards represent a consensus of the citizens of Illinois as to the content and rigor of the public education that as a matter of fairness all students of Illinois should receive, regardless of the property wealth of their respective districts.

71. The current Illinois Learning Standards—while aligned with the Common Core standards at the direction of the General Assembly— have been developed by ISBE with significant public outreach and solicitation of public comment.

72. As set forth by ISBE on its web site, the Learning Standards “should reflect what Illinois citizens generally agree upon as constituting a core of student learning.”

73. In the judgment of State defendants, the Learning Standards do in fact reflect what Illinois citizens generally agree upon as constituting a core of student learning.

74. Furthermore, it is the stated policy of the State defendants that plaintiff districts are entitled to the funding necessary to achieve the Illinois Learning Standards.

75. As set forth by defendant ISBE on its web site, “Illinois students cannot be held accountable for achieving these standards if they do not have adequate and sufficient opportunities for doing so.”

76. Nonetheless students in the plaintiff districts are being held accountable for Learning Standards that the districts cannot fund and that the State defendants fail to fund.

77. One of the strongest variables in the cost of meeting the Learning Standards is the number and proportion of low-income children in a school district.

78. The plaintiff districts have significant concentrations of low-income children that impose greater costs in meeting the Illinois Learning Standards than the costs imposed on more affluent districts.

79. Without exception, all the plaintiff districts have less revenue available per student from local property taxes than these affluent districts do.

80. Accordingly, and in particular because of limited local resources, the plaintiff districts are among the Illinois school districts least able to meet the additional cost of meeting the Learning Standards.

81. The State defendants recognize the need for some methodology for determining the costs of meeting or achieving or making reasonable progress toward meeting or achieving the Learning Standards now mandated by State law.

82. One such methodology is some type of “evidence-based” funding model.

83. The approach of this “evidence-based” model is to identify educational practices and structures, based on academic research, that could improve student achievement in accordance with the Illinois Learning Standards as well as to identify the costs of adopting those practices and structures.

84. An “evidence-based” model would allow the State defendants to calculate an “adequacy” target for each school district that takes into account student characteristics and other factors.

85. The recent Report to the General Assembly and Governor Rauner of the Illinois School Funding Commission—issued on February 1, 2017—makes reference to the principle of “evidence-based” funding as one methodology to determine the cost, and has further information about the model in Appendix Two.

86. The State defendants currently use no evidence-based model or any other methodology to determine the specific additional costs that plaintiff districts must incur to meet or make progress toward meeting the Illinois Learning Standards.

87. In the absence of such an appropriate methodology tied to the Illinois Learning Standards, the State defendants currently have no basis or way to determine specific cost to the plaintiff districts to meet or make reasonable progress for meeting the Illinois Learning Standards mandated by state law.

88. The State defendants have never provided estimates as to the cost to the plaintiff districts of meeting or achieving the Learning Standards.

89. Without a system of funding based on achieving the particular education now required by the Illinois Learning Standards, the plaintiff districts have no realistic way of achieving significant progress in reducing the disparity with wealthier districts.

90. Likewise, without such a system of funding tied to the Illinois Learning Standards, the plaintiff districts have no realistic way of providing the particular “high quality” education as the State defendants have chosen to define it.

**Count I**  
**(Violation of Article X, Section 1 of the Illinois Constitution:**  
**Right to State Funding of Learning Standards)**

91. As set forth above—pursuant to 105 ILCS 5/2-3.64(a)(5)—ISBE continues to revise and increase in both cost and rigor the Learning Standards that the students in the plaintiff districts must achieve.

92. As set forth above—and pursuant to Article X, section 1 and 105 ILCS 5/2-3.64(a)(5)—ISBE develops these Learning Standards to meet the “fundamental” goal set forth in Article X, section 1, that is, “the educational development of all persons to the limits of their capacities.”

93. As set forth above—and pursuant to Article X, section 1 and 105 ILCS 5/2-3.64(a)(5)—ISBE and the other State defendants have defined the “high quality education”—including the specific skills and achievements in various grades from kindergarten through 12<sup>th</sup> grade—that plaintiffs are legally required to provide.

94. Under Article X, section 1, the State of Illinois has a constitutional obligation to pay for a “high quality” education when the State has chosen to determine the specific standards of a “high quality” education rather than leave the matter to local districts to determine instead.

95. In the alternative, under Article X, section 1, the State of Illinois has a constitutional obligation to pay for the additional costs that the plaintiff districts must incur to achieve a particular set of educational skills and benchmarks of increasing rigor and cost as is the case with the Learning Standards now being imposed by the State.

96. The State defendants have available a number of evidence-based methodologies that would provide reasonable estimates of the costs to the plaintiff districts of making progress toward meeting or achieving the Learning Standards.

97. One such evidence-based methodology that the State defendants might select is referred to in the recent Report of the School Funding Commission to Governor Rauner and the General Assembly, Appendix Two.

98. This particular evidence-based methodology describes 27 particular elements or practices which the plaintiff local districts may choose to adopt—such as full-day kindergarten, small class sizes for K-3 education, and up-to-date instructional programs—to make reasonable progress in the judgment of the State defendants for meeting or achieving the Illinois Learning Standards.

99. Under Article X, section 1 the State is also free to use any reasonable methodology to determine the costs of meeting or achieving a high quality education or any education that is specifically defined by the State.

100. Under Article X, section 1, and based on the particular methodology selected by the State to determine the funding needed by each plaintiff to meet the State Learning Standards, the State is obligated to provide the full funding of the costs necessary to meet or achieve the Learning Standards or make substantial progress for doing so.

101. Under Article X, section 1, while the State has discretion to select the methodology for determining the additional cost, the State has a constitutional obligation under the same Article X, section 1, to exercise that discretion in a good faith manner and provide the additional resources to the plaintiff districts.

102. Under Article X, section 1, such constitutional obligation to fund the plaintiff districts continues as long as the State defendants continue to impose Learning Standards and negatively assess the plaintiff districts—and their students—because the plaintiffs lack the financial resources necessary to meet them.

WHEREFORE plaintiffs pray this Court to:

- A. Order the State defendants, under Article X, section 1, and with an appropriate methodology, to determine the additional costs that each plaintiff district will incur to make reasonable or adequate or satisfactory progress in achieving the Learning Standards that the State defendants have adopted pursuant to 105 ILCS 5/2-3.64a-5 and under which the students of the plaintiff districts will be assessed to determine their admission to the State's institutions of post-secondary education;
- B. Order the State defendants, under Article X, section 1, and based on the additional cost for each plaintiff district to make substantial progress toward meeting or achieving the Learning Standards, to provide the full amount of such additional cost to each plaintiff district on an annual basis, in addition to a Foundation Level which must be fully funded;
- C. Order the State defendants, under Article X, section 1, and consistent with a methodology selected by the State, to consult with the plaintiff districts and the public in calculating the cost necessary to make such progress as is satisfactory to the State in meeting or achieving the Learning Standards;
- D. Order the State to submit a plan for compliance with this judgment to the Court no later than 90 days from the date of the judgment, including a determination of the methodology to be used for calculating the cost of the Learning Standards for each plaintiff district and the particular cost necessary for each plaintiff district to make such progress as is satisfactory to the State defendants in meeting or achieving the Learning Standards;

- E. Direct that such order shall remain in effect so long as the State defendants continue to impose the Learning Standards set forth above and may be adjusted as the Learning Standards are changed or revised; and
- F. Grant plaintiffs their legal fees and such other relief as may be appropriate.

**Count II**  
**(Violation of Article I, section 2 of the Illinois Constitution:**  
**Equal Protection Right to Funding to Meet State Learning Standards)**

103. Educational opportunities for Illinois citizens—including the students whom the plaintiff districts serve—depend too much on where they happen to live in the State.

104. There are huge disparities in the property wealth of local school districts, and General State Aid reduces these disparities to a limited degree.

105. Among all fifty states of the nation, Illinois has the lowest percentage of school funding (28 percent, in fiscal year 2014) that comes from the State government.

106. This extraordinarily low rate of State funding for the specific high quality education required by State defendants accounts for the huge disparities in per pupil spending and educational opportunity within the State.

107. In fiscal year 2015, state and local revenue per pupil averaged \$19,600 in the top fifth of school districts in terms of revenue.

108. In the same fiscal year 2015, the state and local revenue per pupil was only \$8,600 per pupil in the bottom fifth of districts in terms of revenue, even though such districts received more State aid.

109. For all of the plaintiff districts, combined state and local revenue per pupil is below the statewide average.

110. All of the plaintiff districts have substantial proportions of students from low income families.

111. All of the plaintiff districts have had to rely increasingly on local resources to try to meet the more rigorous Illinois Learning Standards, as the financial aid available from the state defendants has eroded.

112. Between fiscal year 2011 and fiscal year 2015, state revenue per pupil declined for all the plaintiff districts.

113. While the huge disparities in per pupil spending in the past may have been justified by the large degree of local control given by State defendants to the plaintiff districts and other districts, the Illinois Learning Standards and the assessments mandated by state law have precluded the kind of local control that once existed.

114. In particular, in order to meet the Illinois Learning Standards and prepare for a continuous series of assessments by State defendants, the plaintiff districts have had to realign the curriculum accordingly, and no longer decide what students need to learn or what they must be taught.

115. Because students are assessed under the Illinois Learning Standards with increasing rigor for proficiency in reading, math and science, the plaintiff districts with limited local resources have had to scale back or eliminate other courses of study, including art, music, and vocational education.

116. Furthermore, in reallocating limited funds to meet the more rigorous assessments under the Illinois Learning Standards, the plaintiff districts have also had to scale back or eliminate programs for emotional and psychological supports for students, including supports for students who are low-income or otherwise at-risk or disadvantaged students.

117. As the Illinois Learning Standards and more rigorous assessments impose increasing cost and financial pressure on the plaintiff districts, the Foundation Level set by the

State defendants continues to decrease in real inflation-adjusted terms and is not being funded by the General Assembly even at the nominal level.

118. Accordingly, as a result of the increase in the rigor of the Learning Standards and the decline in State funding, the students in the plaintiff districts fare more poorly than otherwise when they are assessed under the PARCC tests aligned with the Learning Standards.

119. The State defendants do not in fact justify this disparity as serving the goal of local control or deem it legitimate and the defendant ISBE has stated in a repeated and emphatic way that the paramount goal of the State is equality of opportunity to receive a high quality education of a specific kind as defined by the Learning Standards.

120. Accordingly, under Article I, section 2 as well as Article X, section 1 of the Illinois Constitution, the plaintiff districts and their students have a fundamental constitutional right to the State funding of a specific education that is defined by the State in the Illinois Learning Standards.

121. In the alternative, even if it were assumed *arguendo* that no such fundamental constitutional right exists, the inequality in funding of the Illinois Learning Standards applicable to every student is not a rational means of promoting local control, and is no longer justified by defendant ISBE as rational or legitimate.

122. Accordingly, by failing to fund the specific high-quality education required by the Illinois Learning Standards, or by doing so in such a disparate manner unrelated to a legitimate State purpose, the State defendants have denied the right of the plaintiff districts and their students to Equal Protection of the Laws, in violation of Article I, section 2 of the Illinois Constitution.

WHEREFORE plaintiffs pray this Court to:

- A. Declare that by the acts set forth in this Count, and by precluding the local control over education that the plaintiff districts once had, and by imposing Learning Standards that the plaintiff districts do not have the resources to meet or achieve, the State defendants have deprived the plaintiff districts and their students of their right to equal protection of the laws, in violation of Article I, section 2 of the Constitution of Illinois;
- B. Order the State defendants, as a remedy for this violation of Article I, section 2, to determine the additional costs that each district will incur to make reasonable or adequate or satisfactory progress in achieving the Learning Standards that the State defendants have adopted pursuant to 105 ILCS 5/2-3.64a-5 and under which the students of the plaintiff districts will be assessed to determine their admission to the State's institutions of post-secondary education;
- C. Order the State defendants to provide the full amount of the additional cost for each plaintiff district to make substantial progress toward meeting or achieving the Learning Standards on an annual basis, in addition to existing General State Aid;
- D. Order the State defendants to consult with the plaintiff districts and the public in calculating the cost necessary to make such progress as is satisfactory to the State in meeting or achieving the Learning Standards;
- E. Order the State defendants to submit a plan for compliance with this judgment for approval by this Court no later than 90 days from the date of judgment, including a determination of the methodology to be used for calculating the cost of the Learning Standards for each plaintiff district and the particular cost necessary for

each plaintiff district to make such progress as is satisfactory to the State defendants in meeting or achieving the Learning Standards;

- F. Direct that such order shall remain in effect so long as the State defendants continue to impose the Learning Standards set forth above and may be adjusted as the Learning Standards are changed or revised; and
- G. Grant plaintiffs their legal fees and such other relief as may be appropriate.

### **Count III**

#### **(Violation of Article I, section 2 of the Illinois Constitution: Equal Protection and Due Process Rights for Admission to State's Public Institutions of Higher Education)**

123. Pursuant to 105 ILCS 5/2-3.64a-5(c) the defendant ISBE “shall annually assess schools that operate a secondary education program...”

124. As said forth in the same provision, “One of these assessments shall include a college and career ready determination that shall be accepted by this State’s public institutions of higher education...for the purpose of student application or admissions consideration.”

125. Furthermore, all the assessments are part of the students’ academic record.

126. Pursuant to 105 ILCS 5/2-3.64a-5(i), the assessments of the schools and the students in the plaintiff districts must be “aligned” to the Illinois Learning Standards.

127. In being considered for admission at particular State-funded institutions of higher education, the students in the plaintiff districts and other less affluent districts are at a disadvantage compared to students in affluent districts because they are being assessed under the Illinois Learning Standards that impose costs that the plaintiff districts are unable to fund and the State defendants fail to fund.

128. As a result, fewer students in the plaintiff districts are able to meet or exceed the Learning Standards that are used to determine admission into the State’s public institutions of higher education and will prevent or make difficult admission to some of these institutions.

129. Furthermore, because of the years of disparate funding, students in the plaintiff districts who have failed to meet or exceed the Learning Standards are less likely than those students from affluent districts to earn degrees from the State’s public institutions of higher education, even when the students in the plaintiff districts have been admitted.

130. At the same time, the students in the plaintiff districts have fewer alternatives to admission to such public institutions of higher education because the Illinois Learning Standards require the plaintiff districts to reallocate funds away from vocational education programs.

131. Under Article X, section 1, a “fundamental goal” of the State is the “educational development of all persons to the limits of their capacities.”

132. By assessing students for admission to the State’s institutions of higher education under the Illinois Learning Standards that State defendants fail to fund, the State defendants have limited the opportunity for students in the plaintiff districts to attend the State’s institutions of higher education in an arbitrary and discriminatory manner.

133. There is no rational basis for limiting the opportunity of students in the plaintiff districts to attend the State’s public institutions of higher education—and otherwise blocking or denying their right to develop their capabilities to the fullest or even a reasonable extent—when the disparity and inequality in the funding of the preparation of students for these institutions no longer serves or advances the goal of meaningful local control.

134. By imposing Learning Standards that the plaintiff districts cannot fund to determine admission to the State’s public institutions of higher education and by using Learning

Standards that State defendants know that the plaintiff districts are not able to fund, the State defendants have denied the rights of the students in the plaintiff districts to equal protection of the laws in being considered for admission to the State's public institutions of higher education, and for achieving the benefit of such education, in violation of Article X, section 1 and Article I, section 2 of the Illinois Constitution.

135. By the same acts, the State defendants have denied the rights of the students in the plaintiff district to the due process of law which secures to them the right to life in which they can develop their capabilities to the fullest extent, in violation of the right to equal protection and substantive due process under Article I, section 2 and Article X, section 1 of of the Illinois Constitution.

WHEREFORE plaintiffs pray this Court to:

- A. Declare that by the acts set forth in this Count, and by now precluding the local control over education that the plaintiff districts once had, and by imposing Learning Standards that the plaintiff districts do not have the resources to meet or achieve, the State defendants have deprived the plaintiff districts and their students of their right to equal protection of the laws and to substantive due process, in violation of Article I, section 2 of the Constitution of Illinois;
- B. Order the State defendants, as a remedy for this violation of Article I, section 2, to determine the additional costs that each plaintiff district will incur to make reasonable or adequate or satisfactory progress in achieving the Learning Standards that the State defendants have adopted pursuant to 105 ILCS 5/2-3.64a-5 and under which the students of the plaintiff districts will be assessed to determine their admission to the State's institutions of post-secondary education;

- C. Order the State defendants to provide the full amount of the additional cost for each plaintiff district to make substantial progress toward meeting or achieving the Learning Standards on an annual basis, in addition to existing General State Aid;
- D. Order the State defendants to consult with the plaintiff districts and the public in calculating the cost necessary to make such progress as is satisfactory to the State in meeting or achieving the Learning Standards;
- E. Order the State defendants to submit a plan for compliance with this judgment for approval of this Court no later than 90 days from the date of judgment, including a determination of the methodology to be used for calculating the cost of the Learning Standards for each plaintiff district and the particular cost necessary for each plaintiff district to make such progress as is satisfactory to the State defendants in meeting or achieving the Learning Standards;
- F. Direct that such order shall remain in effect so long as the State defendants continue to impose the Learning Standards set forth above and may be adjusted as the Learning Standards are changed or revised; and
- G. Grant plaintiffs their legal fees and such other relief as may be appropriate.

Dated: April 5, 2017

By: /s/ Sean Morales-Doyle  
One of Plaintiffs' Attorneys

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