

Secretary Arne Duncan
United States Department of Education
Lyndon Baines Johnson Building
400 Maryland Avenue, SW
Washington, DC 20202

Assistant Secretary Russlynn Ali
U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202

May 8, 2012

Re: Title VI Violation; Chicago School Closings, Phase-outs, and Turnarounds

Dear Secretary Duncan and Assistant Secretary Ali,

We, the undersigned students of Walter H. Dyett High School, hereby request that under Title VI of the Civil Rights Act of 1964, the United States Department of Justice bring a legal action to stop the “phase-out” of our school, and the phase-out, closing, or turnaround of thirteen other schools targeted by the Chicago Board of Education (“Board”). The Board is using criteria and policies that have the effect if not the intent of discriminating against the children in these schools because of or on account of the fact that we are African American. Without the oversight of the federal government, it is politically unlikely that these violations of Title VI will go unchecked.

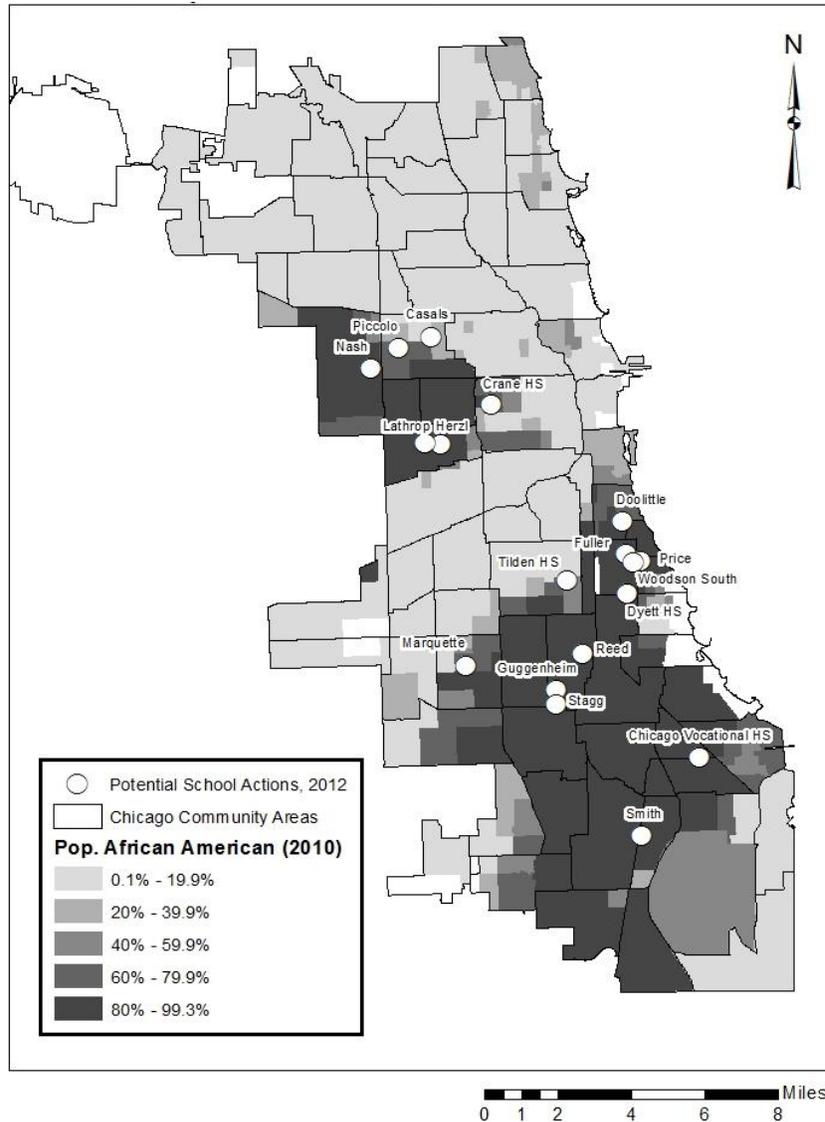
We write in solidarity with Mr. Steven Guy, a grandparent of a child at Fuller Elementary who recently filed a similar complaint. We have many of the same concerns as him, laid out below. However, we also write to draw your attention to our experiences at Dyett. Our school was created over a decade ago when the Board converted our neighborhood school into a selective enrollment school, displacing the neighborhood children into an ill-equipped middle school building. Throughout Dyett’s entire history, the Board has demonstrated a disregard for the student body. The Board has deprived our school of resources, and undermined numerous promising attempts by our community to improve the school. What was the Board’s response when, as late as 2008, we had the largest increase in students going to college in all of Chicago Public Schools? What about in 2009, when we had the largest decrease in student arrests and suspensions? Disregard and disinvestment. We are now a school with only 1 counselor, no assistant principal and have lost several quality teachers. We are a school where one of our most successful programs, AVID, which prepared many of us for college was cut last year. As explained below, this may very well have been because the Board knew long ago that it would close Dyett, and felt that investing resources in us was unwise. This history of neglect impacts us – it sends us the message that the Board does not think we are worthy of investment and that our education is somehow less important than the education of our peers around the city. Recent events at the school only serve to confirm these suspicions.

We learned in December that the CEO of Chicago Public Schools, Jean-Claude Brizard, had recommended that our school be phased out. In the months that followed, we participated in protests and attended meetings to voice our opinion that this decision was not in our best interest. Nonetheless, the Board

voted unanimously to proceed with the phase-out in February. According to the Board, this phase out will not impact us – the current Dyett students who will supposedly be allowed to attend Dyett until we graduate. But we know this is not the case. We have seen the Board close schools a year or two into their phase-out process before. In fact, the Board is conducting three such closings this year. We also know that as the population in our school shrinks, the budget and morale will decline as well. Teachers, parents, and students will have to decide whether they want to stay. In the meantime, we have seen the school administration begin to ramp up efforts to “counsel” our classmates out of school for alleged disciplinary violations and threaten others with the same. Many of our classmates have been encouraged by school administration to leave Dyett by participating in “field trips” to other schools. Students in the school are threatened by certain members of school administration with phrases like, “one more thing from you and you are out of Dyett!” This is for infractions as small as being late for class! We see the writing on the wall. The Board has already sentenced Dyett to a slow death. But we are beginning to see that it will also be a painful one, and we will be the ones to bear that pain. And we cannot help but question why we are being targeted when we know that the student body at Dyett is 100% African American, largely low-income, and 30% homeless. We ask that you take note of these shocking numbers as well.

The particulars of the Title VI violations are as follows:

First, in violation of Title VI of the Civil Rights Act, in the decisions to close, phase out, and turn around schools, the Board has singled out schools that are largely or exclusively African American. We attach the report, “Examining CPS’ plan to close, turnaround or phase out 17 schools,” written by Professor Pauline Lipman and others at the University of Illinois at Chicago. Figure 3 shows the impact of these decisions on African American communities:



Approximately 42 percent of the children in the Chicago public schools are African American, but over 82 percent of the children affected by these fourteen closings, phase-outs and turnarounds are African American. With respect to just the school closings and phase-outs, nearly 100 percent are African American. Furthermore, the Board has concentrated the closings in so-called gentrifying areas – with the effect of moving out poor African American families for the benefit of high-income racially-mixed buyers. In particular, in the Bronzeville area, since 2002, the Board has closed 15 schools with large African American populations. Now in addition to these 15 school closings, which have led to huge disruptions in the lives of African American children in those schools, the Board has proposed even more punishment for the choice to live in Bronzeville – it proposes to phase out Dyett and close Price, as they are supposedly failing schools. But to the extent there is failure, it stems from the Board’s own policy of closing schools around them and shifting children into these schools. It stems from the Board’s general policy of not investing in these schools.

The Local School Council at Dyett proposed turnaround plans which the Board has ignored, as it is intent on clearing the entire area of neighborhood-based schools with community governance. The Board’s policy of closing one school after another in this hot real estate market has disrupted the lives of countless

African American children and set back their educational opportunities. Some of us at Dyett and Price have been moved two or more times. The Consortium on School Research at the University of Chicago has shown that these closings result in learning setbacks. See “When Schools Close – Effects on Displaced Students in Chicago Public Schools.” As noted above, the children at Dyett will be sent to Phillips High School, an Academy for Urban School Leadership (“AUSL”) turnaround, which is doing no better – both schools are “Level 3” according to the Board, which is the lowest level of performance. No school with disproportionately white enrollment would face this. As they are being pushed across gang boundaries, our friends and relatives will once more be placed at risk – their physical safety is being jeopardized. The closings are traumatic. Dyett has served as a stable institution in our lives, something that means a lot to all of us, but especially to the 30% of Dyett students who are homeless. It is inexcusable to send our community through yet another disorienting experience – and the only possible reason for this repeated forced removal into new and strange schools is that, being poor and African American, we are viewed as expendable.

Furthermore, the Board has no criteria which can justify these decisions – which is fatal to the defense of an action with such a racially disparate impact. As set out in Section 34-230 of the Illinois School Code, the General Assembly requires that the Board come up with academic and non-academic criteria that would justify the closings and phase-outs. 105 ILCS 5/34-230. The Board’s published criteria are so broad as to justify closings at over 140 schools. The Board claims that it also relied on additional “considerations.” The legislatively-appointed Chicago Educational Facilities Task Force (CEFTF) was scathing in its analysis of these “considerations.” The Task Force Report, which is attached, states:

[The Guidelines recite] a number of factors including student safety, school culture and climate, enrollment estimates, the quality of the facility, family and community feedback, etc. which the CEO and the Board ‘will’ consider without disclosing *how* any particular factor is measured or how it affects the decision making. For example, does it weight in favor or against a particular school action or inaction and why? Other completely unspecified information ‘will’ be considered... [but] even the enumeration factors are extremely vague; how is student safety measured? School climate? The facility?

In other words, the Board took these racially disparate actions with no criteria at all, as recognized by the CEFTF. For that reason alone, there is sufficient cause for the United States Department of Justice to seek an emergency order to stop these closings.

But, the fact is that the Board’s Chief Administrative Officer, Tim Cawley, has stated publicly that the Board makes its decisions far in advance of establishing any criteria at all. In violation of Title VI of the Civil Rights Act, the Board has a policy of not funding schools on probation when the Board has targeted the schools for closings, phase-outs, and turnaround. He explained the funding policy as follows to the Chicago Tribune:

If we think there’s a chance that a building is going to be closed in the next five to ten years, if we think it’s unlikely it’s going to continue to be a school, we’re not going to invest in that building.

Mr. Cawley then made clear that he was talking about new educational programs as well:

We believe that we get more bang for our capital investment buck when we couple it with a program change in the building.

That is, Mr. Cawley means not only school closings but turnarounds:

When we turn a school around, when we add a gifted program or a language program...we believe there's a synergy that communicates to students and families that it's a new day, that there's (sic) new things happening at the school.

In short, the Board treats the children as expendable during this period. It fails to take actions to address deficiencies that exist at the time. The children are being set up to fail – to justify the Board's resort to extreme action. There is no justification for failing to help these children.

There is a system of separate but unequal schools - seen by the disparate funding by the neighborhood schools on probation and the AUSL or corporate run schools. The Board will spend up to \$4–5 million on the turnarounds of the schools targeted in this case, while it continues its policy of draining money from schools like Dyett that are left to die a slow death.

Second, in violation of Title VI, the Board has used closings and turnarounds to eliminate any role of African American parents in protecting the interest of their children's educational opportunity.¹ In other words, the closings and turnarounds are pre-textual devices to eliminate the Local School Councils through which parents and the local community as a whole have some control over the principal and the school leadership. The purpose of the closings and turnarounds is to take away the right to vote of African Americans in Local School Council elections and – to the maximum extent possible – implement the Board's policy of removing any voice the parents have in the education of their children. This hostility to the legislatively mandated local control has been documented from at least 2007 when the Board President sought to wrest control from these LSCs. Ultimately the purpose is to replace neighborhood schools in which African American parents have a voice with a system of corporate control by vendors who have no accountability to the parents or the children – vendors that are seemingly immune from any action by the Board even when the vendors fail.

The elimination of this parental and community voice means that non-performing principals can stay in place without any independent entity like the Local School Council to evaluate them. It means that there is no one to protest when the Board cuts computer programs, or automotive programs, or cuts back full day kindergarten or raises class size to over 30. As the evidence will show, the Board engages in a variety of such cutbacks and allows inept principals to stay in place – and to continue this course of conduct so harmful to the children, it is Board policy to eliminate or at least disempower the Local School Councils which are set up as the fundamental unit of school governance.

Furthermore, during probation, the Board makes no effort to help the Local School Councils get off probation. It has already targeted these schools. The Board's failure here is in violation of the Illinois School Code. Under Section 34-8.3(c) the school improvement plan is supposed to lay out "specific steps" that the LSCs must take to get the schools off probation. But the school improvement plans ("SIPAAAs") now in effect give no such guidance at all. They are no different than the SIPAAAs for schools *not* on probation – just a list of things to do. Significantly, the Board used to provide corrective action plans as supplements to every SIPAAA for a school on probation. The corrective action plans laid out the exact deficiencies of the school and provided a plan and budget for addressing them. That is exactly what Section 34-8.3(c) requires and even if it did not it is the only plausible approach for getting a school off probation. What occurs now is neglect, benign or malignant being open to question. The Board has no corrective action plan, no budget, nothing for

¹ There is ongoing litigation on this issue. *See, e.g., Waddy, et al. v. Board of Education, et al.*, Case No. 10-cv-6158 (N.D. Ill.)

addressing the educational and operational deficiencies that a probation team is supposed to identify for the Local School Council under Section 34-8.3(c). Indeed, there is no probation team that comes into the school either. The Board already has a goal in mind – the elimination of any parental voice in the school and the transfer of a school to a turnaround

The attempt to get rid of LSCs in African American communities, the attempt to insulate bad principals from parental control in African American communities, the failure of the Board to provide funding for new learning programs for the schools targeted for closing and turnaround – all of these have serious racially disparate effects on the educational opportunities of our children, with no justification. The \$4–5 million being turned over to AUSL should be used for kindergarten, for smaller class sizes in the lower elementary grades, and for computer, automotive, and other learning skill programs in our high schools.

Finally, the whole funding policy has a racially discriminatory impact. It is true that the Board purports to have equal funding throughout the system. But the poorest children have special needs that children at the selective schools do not. Poverty is a factor. The Education Funding Advisory Board sets a higher minimum per capita for children in poverty. But the Board takes no countenance of poverty. And the while the cutbacks uniformly imposed by the Board may affect white schools, the Board knows very well that white parents and affluent parents will make up for it by raising the funds.

For these reasons, we ask you to conduct this investigation under Title VI of the Civil Rights Act of 1964 and to take immediate legal action to stop the closings and turnarounds while the investigation proceeds.

Sincerely,

Aquila Griffin
KeSaundra Neal
Parrish Brown
Diamond McCullough
Ashley Haynes
Pierre Williams
Kenneth Brown
Jason McMillon
Jimmie Blossom
Walter Flowers
Darius Anderson
Thomas Petty
Brittney Moore

O'sha Dancy
Alexis Barney
Stephanie Robinson
Diamond Walls
Jamica Williams
Mariah Scott
Tajanae Fraley
Ashunte Willis
James Vines
Breshouna Anderson
Brandon Lewis
Kendall Stallings
Deon Haywhite

Amber Bethea
Rosilyn Walker
Aaliyah Wilton
Jatwon Barnes
Kenneth Perkins
Phillip Murray
Adam Phillips
Miyanna Hicks
Olivia Berryhill
Lashawn Rankine