

AGENDA
AD HOC LOCAL SCHOOL COMMITTEE
Thursday, April 19, 2018
7:00 p.m.
Burr Ridge Village Hall
Board Room

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
- 4. DISCUSSION OF ADMINISTRATIVE COMPLAINT FILING**
- 5. DISCUSSION OF ADVISORY REFERENDUM**
- 6. PUBLIC COMMENT**
- 7. OTHER BUSINESS**
- 8. ADJOURNMENT**

DISTRIBUTION:

Trustee Zach Mottl, Co-Chairperson
Trustee Anital Mital, co-Chairperson
Marianne Begy
Adolph Galinski
Vivek Ghai
Alan Hruby
Clair Kovar
Betsy Levy
Cindy Mottl
Paragi Patel
Becky Singh
Doug Pollock, Village Administrator
Scott Uhler, Village Attorney



VILLAGE OF BURR RIDGE

MEMORANDUM

TO: Mayor Straub and Board of Trustees
FROM: Doug Pollock, AICP, Village Administrator
DATE: April 17, 2018
RE: **Staff Summary for April 19, 2018 Meeting**

The Local School Committee met on April 3, 2018 and scheduled a second meeting for April 19, 2018. Minutes from the April 3 meeting are attached. At that meeting, the Committee directed staff to prepare a draft administrative complaint and draft advisory referendum question. A summary for both items is provided below.

4. Discussion of Administrative Complaint Filing: Attached is a draft document prepared by Village Attorney Scott Uhler. The document is a complaint to be filed with the United States Department of Education regarding the policies of the District 86 School Board. Attorney Uhler will be present at Thursday's meeting to discuss the draft complaint and provide direction on options for proceeding.

5. Discussion of Advisory Referendum: The Committee also suggested further consideration of a potential advisory referendum that would address voters' preference for District 86 enrollment balance policies. The draft question for an advisory referendum is:

Shall the Hinsdale Township District 86 Board of Trustees more equitably balance enrollment between Hinsdale South and Hinsdale Central High Schools before seeking any referendum for a property tax increase.

On both agenda items, the Committee will need motions making recommendations to the Burr Ridge Board of Trustees for any further action to be taken by the Village.

MINUTES

LOCAL SCHOOL COMMITTEE MEETING

Tuesday, April 3, 2018

CALL TO ORDER

The meeting was called to order by Co-Chairpersons Anita Mital and Zach Mottl at 7:00 p.m.

ROLL CALL

Present: Co-Chairpersons Anital Mital and Zach Mottl, Committee Persons Marianne Begy, Adolph Galinski, Alan Hruby, Clair Kovar, Betsy Levy, Cindy Mottl, Paragi Patel, and Becky Singh.

Absent: Committee Person Vivek Ghai

Also Present: Village Administrator Doug Pollock and Village Attorney Michael Marrs

INTRODUCTION OF COMMITTEE MEMBERS AND STAFF

Co-Chairs Mital and Mottl each made a statement as to why this committee was created and what the Village Board is hoping that the Committee will be able to accomplish. Both stated that the Village Board recognized the importance of local schools to the overall community and are hoping that this committee will be able to provide information and recommendations that will allow the Village to have a positive influence on local schools.

The Committee members proceeded to introduce themselves and provide some background on their interest in local schools and the Village.

REVIEW OF OPEN MEETINGS ACT AND FREEDOM OF INFORMATION ACT

Attorney Marrs referenced the memo provided to the Committee in its agenda packet. He reviewed the memo and answered questions about the Open Meetings Act and the Freedom of Information Act relative to this Committee.

DISCUSSION OF COMMITTEE MISSION

The Committee discussed its mission. There was agreement that the primary mission is to provide information to the public and to the Board of Trustees regarding local school matters and to provide a positive influence for local schools and the community.

REVIEW OF LOCAL SCHOOL ISSUES

Each of the Committee members briefly described their concerns regarding local school issues. There was a reference to the memo provided by the Village Attorney and dated January 25, 2018 regarding Attendance Boundary Issues. Committee member Hruby showed a video of recent District 86 school board meetings that he had compiled.

DISCUSSION OF NEXT STEPS AND MEETING SCHEDULE

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Co-Chair Mottl said that the Village Board has previously discussed legal options with the Village Attorney and determined that it would be difficult for the Village to establish standing for any type of legal action. He added, however, that the Village Attorney's memo provides a basis for the Village to file a complaint.

Mr. Hruby said that he believes there is evidence to support a violation of federal law based on the memo from the Village Attorney. There was a general discussion on this topic and consensus to ask the Village Attorney to provide a draft complaint for Committee review.

Mr. Hruby also asked if the Committee could recommend an advisory referendum regarding voter's preference for balanced enrollment between the schools before seeking a tax increase.

After further discussion, there was consensus to meet again on Thursday, April 19, 2018 at 7 pm and to review a draft complaint and advisory referendum to be prepared by the Village Attorney.

PUBLIC COMMENT

There were no public comments.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further business, a **motion** was made by Mr. Galinski to adjourn the meeting. The motion was **seconded** by Ms. Kovar and **approved** by a vote of 10-0. The meeting was adjourned at 9:23 p.m.

Respectively submitted,

Doug Pollock
Village Administrator

DP:bp

DRAFT

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
CHICAGO OFFICE
500 West Madison Street, Suite 1427
Chicago, IL 60661

ADMINISTRATIVE COMPLAINT

COMPLAINANT

_____ [name(s)]
[Address(es)]

BASIS FOR COMPLAINT

The complainants are currently residents in Hinsdale Township High School District #86 55 S. Grant Street, Hinsdale, Illinois 60521 (hereinafter “District”). Complainants and our children have experienced and continue to experience unlawful discrimination based upon the fixing of improper attendance boundaries, the continuation and expansion of the unlawful setting of those boundaries, and the continuing dedication of increased resources to Hinsdale Central High School disproportionately to the other school district high school, Hinsdale South High School, directly resulting in an increased and increasing minority population in Hinsdale South High School, decreased student population overall in Hinsdale South High School and decreased resources, staff and curricular support and offerings devoted to Hinsdale South High School. The actions of the Board of Education continue to result in more resources and investment in the physical facilities and increase in student population attending Hinsdale Central High School, which has more students than it can accommodate, with the Board of Education recently proposing spending millions of new dollars to add on to the building at Hinsdale Central to create new capacity, while Hinsdale South High School has available classroom space and building capacity that is increasing underutilized. Such decision-making is and continues to be unlawful and discriminatory.

BACKGROUND

At the time of the creation of the original BZ, the minority population disparity or disproportionality was not as great as it is now. The divide has continued to grow over time. The Board of Education decision making has continued to increase the disproportionality. The recent decision to increase the buffer zone will serve to further add to the disproportionate number of minority and low income students at Hinsdale South High School. A District with all of the resources of Hinsdale Township High School District #86 should be fully committed to the equal and fair distribution of resources and supports for all of its students.

In 2016, the BZ was extended based upon a petition from a family living just outside the then existing BZ. That single petition was not addressed at that time and was not immediately acted upon by the Board of Education. However, the situation was worsened when additional residents argued to the Board of Education that the the old BZ was no longer fair, that there were unaddressed safety issues relative to the

boundaries of the buffer zone, (despite the availability of busing provided by the District), and that certain student outside the BZ would be unable to attend Hinsdale Central High School with their grade school friends due to the then existing BZ boundaries. It is worth noting that 6 of the 7 elected members of the Board of Education reside within the Hinsdale Central High School attendance boundaries. Due to the population imbalance (higher at Hinsdale Central, lower at Hinsdale South) and the fact that board members are elected at large, there are and will continue to be more voters in the Hinsdale Central attendance area, making it difficult to elect a truly representative school board based on equal representation of the interest of the Hinsdale South High School area and the Hinsdale Central High School area.

PRELIMINARY STATEMENT

1. Complainants make this filing pursuant to 20 U.S.Code § 1703 – “Denial of Equal Educational Opportunity Prohibited”.
2. The District has created and maintains an attendance boundary and student assignment policy and practice that permits discrimination and in practice allows students to be subjected to improper and unequal treatment in violation of 20 U.S. Code § 1703.
3. As detailed in the Statement of Facts below, since the early 1990’s when the “buffer zone” between the Hinsdale Central High School and the Hinsdale South High School attendance boundaries was created, the Board of Education of the District has watched the minority imbalance between the two high schools grow, while establishing, continuing, increasing and exacerbating the discriminatory effects of the attendance boundaries and resource allocation in the District with the decision making (or lack thereof) of the Board of Education.
4. Complainants and other residents of the Hinsdale South High School attendance area have repeatedly raised these concerns with the Board of Education of the District. Despite the objections raised by complainants and other residents, the Board of Education has continued and increased the impacts of its discriminatory policy and practice.
5. In order to address this situation, complainants request that the Chicago Office for Civil Rights (“OCR”) investigate the Board of Education of the District and find that the Board has acted and continues to act in violation of the requirements and prohibitions of 20 U.S. Code § 1703 and take all necessary steps to remedy any unlawful conduct.

JURISDICTION

6. OCR is responsible for ensuring compliance with, among other issues related to discrimination in education under federal law, the Elementary and Secondary Education Act (“Act”) and its implementing regulations and guidelines and its purpose of ensuring "full educational opportunity" for all students in the District. At 20 U.S.Code § 1703 it is specifically provided that the denial of equal educational opportunity by the actions or decision making of a local board of education is prohibited.
7. The complaint is timely as the Board of Education of the District continues to maintain a policy and practice that enables discrimination, and in fact proposes to take action by referendum to increase its discriminatory practices.

8. The District receives federal financial assistance¹ and is therefore prohibited from discriminating under the above cited law.

STATEMENT OF FACTS

9. The District is comprised of 2 high schools, Hinsdale Central High School and Hinsdale South High School. The attendance boundaries of the 2 high schools, as established by the formal actions of the Board of Education of the District are as shown on Exhibit A attached to this Complaint.
10. The student population at Hinsdale Central High School exceeds the student population at Hinsdale South High School. Hinsdale Central High School is at approximately over 90% capacity while Hinsdale South High School is running at barely 70% capacity according to _____.
11. On June 6, 2016, despite knowledge of the capacity of Hinsdale South High School to accept more students, the significantly higher percentages of minority students at Hinsdale South High School, as opposed to the student population at Hinsdale Central, and the fact that the District proposal to increase the area known locally as the “buffer zone” (“BZ”), would increase the minority population at Hinsdale South High School, the Board of Education voted 5-1 in favor of a proposal to extend that BZ attendance area boundary within the District and thereby continue to increase the proportionate percentage of minority students attending Hinsdale South High School.
12. The BZ allows students within certain geographic location to choose attendance at either campus within the District, Hinsdale South High School (H.S.) or Hinsdale Central Campus High School (H.S.) within the District. See copy of Board Policy 7.31 attached to this Complaint as Exhibit B.
13. 86% of the students living in the BZ choose Central H.S. allegedly due to its superior academic rigor, greater number of academic offerings, higher quality or academic offerings, higher ratings, as well as its superior award winning extracurricular offerings and winning sports teams.
14. While this District policy appears to be “equal” by allowing all of the students in the Hinsdale Central attendance area the opportunity to opt to voluntarily attend Hinsdale South High School, the policy allows none of the students in the Hinsdale South High School attendance area the opportunity to elect to attend Hinsdale Central High School.
15. For students who reside within the Hinsdale South attendance boundaries, the policy limits their attendance to only Hinsdale South High School. Due to the actions of the Board of Education of the District, Hinsdale South High School increasingly provides less and less academic rigor, a lesser number of academic offerings, a lesser quality of academic offerings, and consistently results in fewer student and staff awards for excellence and achievement, relative to Hinsdale Central High School.
16. This District policy therefore violates 20 U.S.Code § 1703 by specifically and actively promoting the denial of equal educational opportunity to the students of Hinsdale South High School by the actions and decision making of the Board of Education. The discriminatory actions and decision making improperly impact the entire student population at Hinsdale South High School, and include: (1) economic discrimination against low income students, (2) racial discrimination against minority students, and (3) a general decline in the overall quality of all aspects of the educational experience provided at Hinsdale South High School.

17. A review of the Illinois State Board of Education 2015 Report Card for the District high schools highlights the demographics of the two high schools comprising Hinsdale Township High School District #86 for both Hinsdale Central and Hinsdale South High Schools as follows on Page 2:

STUDENT POPULATION BY RACE

<u>Hinsdale Central</u>	<u>Hinsdale South</u>	<u>Variance South to Central</u>
White: 75.4%	White 55.7%	- 19.7%
Black: 2.6%	Black: 20.6%	+ 18.0%
Hispanic: 4.8%	Hispanic: 10.3%	+ 5.5%
Asian: 14.5%	Asian: 10.2%	- 4.3%
Other: 2.8%	Other: 3.3%	+ 0.5%

STUDENT MINORITY POPULATION

<u>Hinsdale Central</u>	<u>Hinsdale South</u>	<u>Variance South to Central</u>
22.8%	44.4%	+ 21.6%

STUDENT LOW INCOME POPULATION

<u>Hinsdale Central</u>	<u>Hinsdale South</u>	<u>Variance South to Central</u>
8.1%	32.2%	+ 24.1%

18. With the increase of the buffer area additional Gower School District 62 students have the opportunity to choose to attend Hinsdale Central High School. Gower District 62 is 66.4% white, 2.8% black, 7.0% Hispanic 14.7% Asian, 9% other and 14% low income:

STUDENT POPULATION BY RACE

<u>Hinsdale Central</u>	<u>Gower M.S.</u>	<u>Hinsdale South</u>
White: 75.4%	White: 66.4%	<White 55.7%
Black: 2.6%	Black: 2.8%	<Black: 20.6%
Hispanic: 4.8%	Hispanic: 7.0%	<Hispanic: 10.3%
Asian: 14.5%	Asian: 14.7%	Asian: 10.2%
Other: 2.8%	Other: 9.0%	Other: 3.3%

STUDENT LOW INCOME POPULATION

Hinsdale Central

Gower M.S.

Hinsdale South

8.1%

14.0%

<32.2%

19. This recent decision of the Board of Education of the District therefore impacts the minority student population at Hinsdale South High School, as well as the minority student population at Hinsdale Central High School.
20. The percentage of non-minority students in Gower School District 62 is higher than that of Hinsdale South High School. Enacting a policy allowing that student population then to attend Hinsdale Central High School will serve to increase the minority population at Hinsdale South High School, racially and economically.
21. Instead of addressing and reversing the discriminatory trend in student enrollment between the two high schools, the Board of Education has exacerbated it with their decision making. Further, the most recent Board of Education efforts included further adding to the disparity by proposing a massive new \$79.0 Million bond referendum to allow the District to add additional classroom space and capacity to Hinsdale Central High School. That referendum failed, but it represented continued flawed and discriminatory decision making by the Board of Education.
22. A large proportion of the bond proceeds of such a referendum is proposed to be used for the construction of new classrooms at Hinsdale Central High School, when there is already unused capacity at Hinsdale South High School. There is existing vacant classroom space at Hinsdale South High School to accommodate at least 400 to 500 new students.
23. The District convened a task force to consider this referendum proposal. That task force consisted of 77% membership from the Hinsdale Central High School area, while the remaining 23% membership was from the Hinsdale South High School area. Should the referendum pass; South taxpayers stand to fund 70% of the monetary benefits going too Central H.S., with the remaining 30% going too South H.S. The newly minted Policy 7.31 allows more students to attend Central.
24. One former member of the Board of Education did speak out against the BZ decision making stated she believed the policy supports “red-lining, and economic and racial gerrymandering by those who fear.”
25. There is reason to believe the decision making of the Board of Education, particularly the BZ, is continuing to perpetuate and increase the growing disparities between the two high schools, including in housing trends, prices and in the increasing student population and quality of education being promoted and facilitated at Hinsdale Central High School.
26. [To be added: Is there factual information available regarding the curricular and extra-curricular offerings at one high school versus the other?]
27. [To be added: Other factual information or documentation demonstrating the imbalance of minority enrollment between the two high schools and the increase which would be caused in that imbalance by a continuation of or in increase in the size of the buffer zone.]

LEGAL ALLEGATIONS

28. As outlined in the Statement of Facts above, the District has failed to abide by the requirements of 20 U.S. Code § 1703.
29. The requirements and provisions of the Elementary and Secondary Education Act (“Act”) directly apply to the violation(s) of 20 U.S. Code § 1703 by the creation, implementation, perpetuation and increase of the “buffer zone” attendance area here.
30. The provisions of subsections (c) and (e) of the Act below have the most direct relation to the conduct of the Board of Education here regarding the establishment, continuation and increase to a special attendance zone that has resulted in many more students attending one high school than the other with the result that the racial/ethnic makeup and disproportionality at Hinsdale South High School continues to increase.

“20 U.S. Code § 1703 - Denial of Equal Educational Opportunity Prohibited § 1703.

No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by—

- (a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;
- (b) the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with part 4 of this subchapter, to remove the vestiges of a dual school system;
- (c) the assignment by an educational agency of a student to a school, other than the one closest to his or her place of residence within the school district in which he or she resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his or her place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;
- (d) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff, except to fulfill the purposes of subsection (f) below;
- (e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency; or
- (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

RELIEF REQUESTED

61. Complainants respectfully request that OCR take the following actions¹:

¹ There have been multiple solutions to these issues and concerns before by residents of the Hinsdale South High School attendance area, which have all been rejected, including allow all students to choose which school to attend, open the boundaries equally for all; mandate Central to be a freshman/sophomore campus, while South is a junior/senior campus making the student population mirror the community providing equal education for all; and draw an attendance boundary for eliminating the buffer zone and proportionately balancing the community’s racial, income, and societal demographics without discrimination; offering the same equal academic rigor, classes (number & quality), and sports at both campuses.

- a. Investigate to determine whether Hinsdale Township High School District #86 is in violation of the provisions and requirements under 20 U.S. Code §1703 and engaging in discrimination in its policies and practices.
- b. Take all necessary steps to remedy any unlawful conduct identified in this investigation or otherwise on the part of residents and students within the Hinsdale South High School attendance area, and the District generally, as required by 20 U.S. Code §1703 and any of its implementing regulations.
- c. Secure an assurance of compliance with 20 U.S. Code §1703 from the Hinsdale Township High School District #86, if any violations are found, as well as full remedies for the violations found.
- d. Require District to commit, moving forward, to adopt a policy regarding its obligations to pregnant and parenting students that would bring Hinsdale Township High School District #86 into compliance with 20 U.S. Code §1703.
- e. Monitor any resulting agreements with Hinsdale Township High School District #86 to ensure into compliance with 20 U.S. Code §1703 is achieved.

Respectfully submitted,
