

United States District Court, Northern District of Illinois



Name of Assigned Judge or Magistrate Judge	Charles P. Kocoras	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	80 C 5124	DATE	3/1/2004
CASE TITLE	USA vs. Board of Education of the City of Chicago		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 - FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter Modified Consent Decree.
- (11) [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input checked="" type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	SCT  courtroom deputy's initials	U.S. DISTRICT COURT CLERK MAR 2 10 08 AM '04	number of notices	Document Number 1106	
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NOV - 5 2003

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MAR 2 - 2004

MICHAEL J. DOBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

BOARD OF EDUCATION OF
THE CITY OF CHICAGO,

Defendants.

No. 80 CV 5124

Judge Charles P. Kocoras

MAR 2 - 2004

MODIFIED CONSENT DECREE

The original Consent Decree in this desegregation lawsuit was entered in 1980 between the Chicago Public Schools (the "CPS") and the United States to settle a lawsuit filed in 1980 by the United States against the Board of Education of the City of Chicago. By entering into the original Consent Decree, the CPS neither admitted nor denied the allegations in the lawsuit filed by the United States. To implement the 1980 Consent Decree, the CPS developed, and the Court approved, a Desegregation Plan, which the CPS began implementing in 1982.

The complaint in the lawsuit alleged that the CPS was operating in violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and Titles IV and VI of the Civil Rights Act of 1964. Complaint at ¶¶ 1, 4. The complaint also alleged that the CPS had engaged in "unlawful [] segreg[ation of] students on the basis of race and ethnic origin (Hispanic)" through a number of "specific practices" regarding student and faculty assignment and related educational practices. These alleged practices included: drawing attendance zone boundaries and adjusting grade structures of schools in racially and ethnically segregative ways; allowing racially segregative intradistrict transfers by white students; maintaining severely overcrowded and thereby educationally inferior schools for African American students and less crowded schools for white students; and assigning teachers and staff to schools in racially segregative ways. Complaint at ¶ 15.

The Original Consent Decree and the Desegregation Plan. The original Consent Decree and Desegregation Plan had two major goals. The first goal was to establish "the greatest practicable number of stably desegregated schools, considering all the circumstances in Chicago." The second goal of the Decree and Plan was to "provide educational and related programs for any Black or Hispanic

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schools remaining segregated." Today, the CPS and the United States remain fully committed to both of these goals.

With regard to the first goal, the 1980 Decree required the CPS to use various techniques to achieve the greatest number of stably desegregated schools. These included: magnet schools; majority-to-minority ("M-to-M") transfers; attendance areas; site selections and school closings. For magnet schools, the Decree required the use of racial/ethnic goals. Decree at ¶¶ 4.1, 4.2, 4.3. To prevent the resegregation of students, the Consent Decree required that the Plan include, inter alia, "provisions to ensure that site selections, construction, school closings, readjustments of attendance areas and feeder patterns, and new placement of mobile classrooms [be] accomplished so as not to cause the resegregation of schools." Decree at ¶ 10.3. In addition, the Decree required that faculty be assigned so that the racial composition, the experience, and the educational background of individual school faculties and administrative staff "more nearly approach" the city-wide proportions of minority, experienced, and more extensively trained teachers. Decree at ¶ 3.

The student assignment component of the Desegregation Plan included provisions for implementing the student assignment goal and obligations of the Consent Decree. For example, the Plan called for magnet schools to have a goal of 15% to 35% white and 65% to 85% minority enrollments and for the CPS to provide transportation for students to attend magnet schools and for students who exercise voluntary desegregation transfers. Plan at 209, 212, 133. The Plan also allowed the use of controlled enrollment to relieve overcrowding and to maintain racial and ethnic stability in schools. Plan at 85-86.

For the second goal, the 1980 Decree required the CPS to implement a plan that included "specific programs for Black and Hispanic schools remaining segregated, in the following areas among others": remedial and compensatory educational programs; improved curricula and instruction; pre-service and in-service instruction for CPS personnel; testing, counseling, guidance and student welfare; facilities, safety, and security; and supportive relationships with community and government institutions. Decree at ¶¶ 7, 7.1-7.7. The Decree also required the CPS to develop and implement a plan to ensure that English Language Learner ("ELL") students are provided the instructional services necessary to assure their effective participation in the educational programs of the CPS. Decree at ¶ III.2.

Like the student assignment component of the Desegregation Plan, the educational component of the Plan included a number of provisions and strategies to implement the second goal of the Consent Decree and the CPS' obligations regarding that goal. These provisions included one in which the CPS committed to conduct a comparative analysis of high school curricular offerings to maximize parity, program accessibility and consistency in the range of courses offered. See

Educational Components at 26. In addition, consistent with the Decree's requirement that the Plan include "provisions to ensure that discipline was administered in a non-discriminatory way," Decree at ¶ 9, the CPS agreed to systematically monitor discipline by race and ethnicity and to prepare recommendations for improvement. Educational Components at 71.

Changes in CPS Since 1980's. The parties acknowledge and agree that much has changed in the CPS since the entry of the 1980 Consent Decree. For example, while the total enrollment in the CPS has fluctuated since the implementation of the Consent Decree and the Desegregation Plan, the enrollment has increased over the last 10 years. For the 2003-04 school year, the CPS has an enrollment of approximately 434,000 students and operates approximately 600 schools. The CPS also has experienced significant growth in enrollment in certain geographic areas of the City and decline in other areas of the City.

Since the early 1980's, the CPS has experienced racial and ethnic demographic shifts in its enrollment. The number and percentage of Hispanic students has increased sharply, while the number and percentage of White and African American students has decreased. The number of English Language Learners who are enrolled in the CPS also has increased significantly.

Since 1980, the CPS also has experienced changes as a result of new and revised state and federal laws. At the federal level, for example, the CPS is now subject to the requirements of the *No Child Left Behind Act of 2001* ("NCLB"), which affects all aspects of the CPS, including student and faculty assignment, facilities, compensatory education and English Language Learner programs. At the state level, the legislature, in 1989, passed the Illinois School Reform Law, which significantly modified the manner in which the CPS governs and operates its schools.

Going Forward. In 2001, the CPS determined that it was time to conduct a comprehensive review of its implementation of, and compliance with, the original Consent Decree and the Plan. The CPS engaged desegregation experts to assist it in conducting this review. At the inception of the review, the CPS notified and held discussions with the United States regarding the review and met with community leaders and groups to determine whether they had any issues regarding the CPS' implementation of the 1980 Consent Decree and Plan that should be considered as part of the review. The United States began its own review of the CPS' implementation of, and compliance with, the Consent Decree and Plan.

The United States and the CPS have reviewed the CPS' compliance with the Decree and the Plan and have identified areas where further attention is warranted. These areas where full compliance is yet to be achieved relate to magnet schools, transfers, school openings and closings, attendance zone changes, controlled enrollment, assignment of faculty and school-based administrators, compensatory

programs and services for English Language Learner students. The parties acknowledge and agree that the CPS has met certain obligations under the 1980 Consent Decree and the 1982 Desegregation Plan, but that the remaining areas of noncompliance necessitate the remedies included in this Modified Consent Decree. Accordingly, the parties agree to enter into this Modified Consent Decree, which includes a timetable to bring this case to a just and orderly resolution. The United States and the CPS expect the goals of the original Consent Decree and Desegregation Plan will be achieved through full and good faith implementation of this Modified Consent Decree.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

I. Student Assignment

A. Goals

The parties recognize that, given the geographical size of the CPS and the demographics of the CPS and the City of Chicago, it is not practicable for all the CPS schools to have enrollments that are desegregated. Therefore, in assigning students to schools, the CPS shall use a variety of strategies to assign students to schools, and in implementing these strategies, the CPS shall establish and maintain as many schools with stably desegregated enrollments as practicable.

B. Student Assignment Strategies

1. The CPS shall use a variety of strategies to assign students to schools and to provide students the opportunity to attend schools with desegregated enrollments. These strategies shall include:
 - a. magnet schools;
 - b. specialized schools, including selective enrollment schools, gifted centers, classical schools, scholastic academies, metropolitan high schools, program themes and other options;
 - c. other voluntary transfers; and
 - d. attendance boundaries.
2. Magnet schools and specialized schools shall be considered desegregated if they have enrollments that are 15% to 35% White and 65% to 85% minority.

C. Magnet Schools

1. The CPS shall continue to implement magnet schools throughout the CPS. Three key goals, among others, of the magnet schools in the CPS are: (1) to improve academic achievement of all students enrolled in the schools; (2) to voluntarily attract racially and ethnically diverse enrollments; and (3) to provide curricular programs that provide enriched and focused thematic learning experiences to meet the interests of students in the CPS.
2. The magnet schools are open to students from throughout the CPS, although transportation to magnet schools may be limited as set forth in the Magnet Policy. If there are more applicants than seats available, the CPS shall use a lottery process to select students. If there are fewer applicants than seats available, the CPS shall admit all applicants. The schools that are currently considered magnet schools are listed in Appendix A.
3. By the date specified in Appendix D of each school year, the CPS shall revise and update, if necessary, its magnet school recruitment guidelines and procedures to ensure that student from all races and ethnicities have equitable access to magnet schools and that a variety of strategies — at both the district and school levels — continue to be used to recruit students from all races and ethnicities to achieve a desegregated enrollment.
4. By the date specified in Appendix D, the CPS shall conduct a study of its magnet schools, which shall analyze whether, in light of the number of students who have applied for and who were not accepted into magnet schools or other quality school options due to space constraints, the CPS should establish additional magnet schools, including additional magnet schools, where appropriate, to provide continuity in magnet themes from the elementary school to the high school. In addition, as part of the study, the CPS shall review and update, if necessary, the curriculum, recruitment procedures, transportation limitations and other aspects of magnet schools to enhance their ability to attract a racially and ethnically diverse pool of applicants and to enroll desegregated student bodies. The CPS shall implement additional magnet schools and programs or other voluntary desegregative choice options, such as “small schools,” contract schools or demonstration schools, if they are recommended by the study and are practicable. By the date specified in Appendix D, the CPS shall provide a copy of this study to the United

States. By the date specified in Appendix D, the CPS shall notify the United States of any proposed material changes to the magnet schools and programs or other voluntary desegregative choice options. Nothing in the Modified Consent Decree shall preclude the United States from conducting its own magnet study and/or seeking further relief, including petitioning the Court to order the CPS to open additional magnet schools.

- D. Specialized Schools, including selective enrollment schools, gifted centers, classical schools, scholastic academies, metropolitan high schools, program themes and other options.

In addition to magnet schools, the CPS provides a number of other programmatic options for parents and students. These include selective enrollment schools, gifted centers, classical schools, scholastic academies and metropolitan high schools. By the date specified in Appendix D, the CPS shall conduct a review of the definitions, recruitment procedures, and requirements for each of these options to ensure that all options are clear to all parents and students and that all students have equitable access to these options. The CPS shall review and update, if necessary, any definitions, recruitment procedures, and admission requirements that are not clear to all parents and students or that do not provide equitable access for all students. By the date specified in Appendix D, the CPS shall provide any revisions to the United States, and shall make appropriate modifications.

- E. Other Voluntary Options

- 1. Magnet Clusters

Magnet cluster schools are open to students who live in the attendance boundary for a particular magnet cluster school. If there are seats available after the students who live in the attendance boundary for a magnet cluster school have enrolled in that school, students who live outside the attendance boundary for that magnet cluster school may apply to attend that magnet cluster school. If there are more applicants than seats available, the CPS shall use a lottery process to select students. If there are fewer applicants than seats available, the CPS shall admit all applicants.

In identifying schools to be part of a magnet cluster, the CPS identifies four to six elementary schools that are in close geographical proximity to one another. Where possible, the CPS

shall identify schools to be part of a magnet cluster that are in close geographical proximity and that may contribute to the desegregation of the schools in the cluster. Each school within a magnet cluster implements one of six academic areas of focus: Fine and Performing Arts; the International Baccalaureate Middle Years Programme; the International CPS Scholars Program; Literature and Writing; Math and Science or World Language. The schools that are currently considered magnet cluster schools are listed in Appendix B.

2. Transfers

By the date specified in Appendix D, the CPS shall review and update, if necessary, its transfer policy to provide for open enrollment transfers, majority-to-minority transfers and NCLB transfers and to ensure that the transfer policy is consistent with this Consent Decree.

a. Open Enrollment Transfers

The CPS has permitted open enrollment to all schools subject to available space. By the date specified in Appendix D of each school year, the CPS shall monitor and report the number of open enrollment transfers by sending and receiving school, disaggregated by race and ethnicity. If open enrollment transfers are having a cumulative negative impact on desegregation in a school, the CPS shall take steps to redress this impact.

b. Majority-to-Minority Transfers

The CPS provides students the opportunity to transfer from a school where they are in the racial or ethnic majority to one where they are in the racial or ethnic minority ("M-to-M transfers") and where there is space available with transportation provided to designated schools. By the date specified in Appendix D of each school year, the CPS shall report to the United States the schools that may be available for M-to-M transfers and for which transportation may be provided. By the date specified in Appendix D of each school year, the CPS shall report to the United States the number of M-to-M transfers for the prior school year by sending and receiving school, disaggregated by race and ethnicity. The CPS shall publicize through a variety of means the availability of M-to-M transfers, including the names of the identified schools, the

racial and ethnic enrollment of these schools and the transportation available.

c. NCLB Transfers

Students attending a Title I school identified for School Improvement, Corrective Action or Restructuring pursuant to the NCLB have the opportunity to transfer to a school that is not identified for School Improvement, Corrective Action or Restructuring. For these transfers, the NCLB allows districts to identify schools to which students may transfer. Where feasible, the CPS shall identify schools to which students may transfer where the students transferring shall promote or maintain desegregated enrollments. The CPS shall document the options considered in identifying schools to which students may transfer pursuant to the NCLB and shall provide such documentation to the United States by the date specified in Appendix D of each school year. For each school considered, this documentation shall include the capacity, total enrollment, and racial and ethnic enrollment. By the date specified in Appendix D of each school year, the CPS shall report to the United States the number of NCLB transfers for the prior school year by sending and receiving school, disaggregated by race and ethnicity.

F. Attendance Boundaries

1. By the date specified in Appendix D, the CPS shall post on its website the current CPS attendance boundaries.
2. By the date specified in Appendix D, the CPS shall review and update, if necessary, and publish a policy for establishing and revising attendance boundaries. This policy shall include the process and procedures for setting these boundaries, including the public hearing requirement, which is now in effect. In addition, the policy shall include the process and information that shall be provided to the Board. The policy shall require that alternatives or options be developed for each proposed attendance boundary and that a range of factors be considered, including the capacities of each of the schools involved in the proposed boundaries, the current and projected racial and ethnic composition of the schools affected, geographic barriers and travel time. Where feasible, the CPS shall establish attendance boundaries to maintain or promote stably desegregated enrollments in each of the affected schools and to avoid the creation of one race schools. The CPS shall document its

consideration of alternatives and all of the factors listed in this provision.

3. During the term of this Consent Decree, the CPS shall provide the United States with any proposed boundary changes within the days specified in Appendix D before such boundary changes are to be considered and approved by the CPS Board of Education, and shall include documentation of its consideration of alternatives and the factors listed in paragraph I.F.2.

G. Overcrowded Schools/Controlled Enrollment

1. The CPS shall alleviate any racially and ethnically disproportionate overcrowding of school sites, to the extent practicable.
2. By the date specified in Appendix D, the CPS shall review and update, if necessary, and publish its procedures regarding overcrowded schools and controlled enrollment to include (a) a provision that the CPS shall determine whether there exists a racially or ethnically disproportionate overcrowding of schools districtwide and (b) a provision that the CPS shall consider a variety of factors when alleviating overcrowding in schools. These factors shall include maintaining or promoting stable desegregated enrollments at sending and receiving schools. By the date specified in Appendix D, the CPS shall provide these procedures to the United States.
3. By the date specified in Appendix D, the CPS shall develop and implement a plan to monitor enrollment at schools that are overcrowded and the implementation of the controlled enrollment procedures at these schools to ensure that schools do not remain part of the controlled enrollment process after such time that enrollment drops to capacity where additional students may be enrolled. The CPS shall report annually to the CPS Board and the United States the following for each school that has been identified for controlled enrollment: (1) the capacity; (2) the current enrollment, disaggregated by race and ethnicity and by those students who reside in the attendance boundary and those who attend the school, but live outside the attendance boundary; and (3) the number and race and ethnicity of the students who reside in the attendance boundary, but who are assigned other schools due to controlled enrollment, including the name of the school they attend.

II. Faculty Assignment

A. Goals

The parties recognize that the CPS is subject to, and operates under, the Illinois School Reform Law (the "Reform Law"). With regard to faculty assignment, the parties recognize that the goals of the original Consent Decree are not legally supplanted in any manner by the Reform Law, and agree to the benefits of a harmonious interpretation of both.

While the CPS maintains ultimate hiring authority under the Reform Law, hiring of faculty is currently based on principal recommendation for specific positions at the principal's school and principals are hired upon the recommendation of Local School Councils. Currently, there is no centralized assignment of faculty.

1. The CPS shall make every good faith effort to follow assignment and transfer practices for teachers that, when taken together as a whole on a frequently reviewed periodic basis, promote and maintain individual school full-time teaching faculties that more nearly approach the districtwide proportion of full-time minority teachers at schools serving the same grade levels. The CPS also shall make every good faith effort to make annual progress toward meeting the faculty goals of the 1980 Consent Decree at each school that has not met the goals. The goal is to have the racial and ethnic composition of full-time teachers in each school to be within plus or minus 15 percentage points of the racial and ethnic composition of full-time teachers districtwide at the schools serving the same grade levels. *See* Decree at ¶ 3.1. Finally, the CPS shall make every good faith effort to follow assignment and transfer practices for school-based administrators so that a school is not racially identifiable by student enrollment and by the teachers and school-based administrators assigned to the school.
2. The CPS shall make every good faith effort to assign full-time teachers to each school so that the certification, experience levels (to the extent practicable) and educational backgrounds of full-time teachers assigned to schools approximate the certification, experience levels and educational backgrounds of full-time teachers districtwide at schools serving the same grade levels.

3. Nothing in this Consent Decree shall require the assignment of any teacher or school-based administrator to a position in school for which he or she is not professionally qualified.
4. The CPS shall not discriminate on the basis of race or ethnicity in the hiring of teachers or school-based administrators.

B. Plan

By the date specified in Appendix D, the CPS shall review and update, if necessary, and publish a plan for making progress toward achieving the faculty and school-based administrator assignment goals outlined above, and particularly in bringing the schools that vary from the districtwide ratio the most toward the goals. This plan also shall include provisions requiring the CPS to: advertise teaching and school-based administrator vacancies to the public; engage in recruitment and outreach to attract a racially and ethnically diverse pool of applicants for all such positions; and consider racially and ethnically diverse pools for teacher and school-based administrator positions. The plan also shall include provisions for monitoring progress in achieving the faculty and school-based administrator goals. This monitoring shall include a computer database that provides information for each school on: (1) progress toward achieving the goals outlined above regarding teachers and school-based administrators; (2) the certification, experience and degree goal; and (3) teachers teaching out-of-field. By the date specified in Appendix D, the CPS shall provide a copy of the plan to the United States. By the specified date in Appendix D of each year, the CPS shall provide a districtwide analysis of the information collected in its database to the United States for its review and comment.

III. Facilities

The CPS has expended approximately \$4 billion to build new schools and to renovate and expand existing schools throughout the CPS.

- A. By the date specified in Appendix D, the CPS shall review and update, if necessary, and publish written guidelines regarding the process by which facilities are evaluated and decisions are made regarding facilities, including maintaining of existing facilities, opening new schools, closing existing schools, consolidating schools, rehabilitating existing schools, constructing additions and annexes to existing schools, utilizing portables and renting additional classroom space offsite. In addition, the guidelines shall include the factors that are used to ensure that facilities are equitable throughout the CPS and that

relevant demographics are considered in making facilities decisions, such as whether there is increasing or declining enrollment in the affected area and the racial and ethnic enrollment of the affected schools. Where feasible, the CPS shall make decisions regarding facilities that maintain or promote stably desegregated enrollments in each of the affected schools and shall avoid the creation of one-race schools. When making such decisions, the CPS shall document its consideration of the factors listed in this provision.

- B. By the date specified in Appendix D, the CPS shall provide the United States with a copy of its Capital Improvement Plan. In addition, during the term of this Consent Decree, the CPS shall provide the United States with any proposed major facilities changes within the number of days specified in Appendix D before such major facilities changes are to be approved by the CPS Board of Education and shall include documentation of its consideration of the factors listed in paragraph III.A. For purposes of this provision, major changes shall include opening new schools, closing of existing schools, consolidating schools and constructing additions and annexes to existing schools. By the date specified in Appendix D of each school year, the CPS shall provide the United States with a report that lists, for each school, the number of portables and the number of classroom spaces rented offsite, noting the number of each that were added or removed.

IV. Transportation

The CPS shall not discriminate based on race or ethnicity in providing transportation. The CPS may limit the time or distance of transportation to ensure that no student shall be transported for a time or distance that would create a health risk or impinge on the educational process. These limitations may vary among different age and grade levels.

V. Equal Educational Opportunities

- A. Compensatory and Supplemental Programs, including early childhood programs, all day kindergarten, after-school programs, and research-based programs.

According to the 1982 Plan, the overriding goal of the compensatory and supplementary programs required by paragraphs 2.2 and 7 of the 1980 Decree is to address minority students' educational needs through improving achievement in all schools, with particular emphasis on those schools with the greatest needs and attended by children who have been most disadvantaged. The parties agree that this goal shall remain in effect during the implementation of this

Consent Decree and the CPS shall meet its obligations under the 1980 Decree and the 1982 Plan with respect to eligible African American and Hispanic racially-isolated schools. Compensatory and supplemental programs may include: early childhood programs; full day kindergarten; after-school programs; research-based programs in reading and math/science; part-time programs in desegregated settings; parental involvement programs and other compensatory programs that the CPS believes will improve achievement for minority students.

In recent years, the CPS has initiated programs that address the compensatory and supplementary program goal and funds such programs independent of its desegregation budget through other local, state, and federal funds. Recent examples of such programs include the CPS Reading Initiative, which, for the 2003-04 school year, provides supplemental reading resources to approximately 300 schools. The CPS also has fully implemented a math/science initiative at 84 schools and is preparing an additional 49 schools to implement the math/science initiative in the future. In addition, the CPS has expanded its early childhood, full day kindergarten, and after-school programs. During the life of this Consent Decree, the CPS shall maintain, and increase, if practicable, these programs at African American and Hispanic racially-isolated schools.

By the date specified in Appendix D of each school year, the CPS shall identify the schools that are implementing the reading initiative, the math/science initiative, early childhood education programs, full-day kindergarten programs or after-school or extended day programs. For each school where one or more of these programs are being implemented, the CPS also shall include in the school's report card which of these programs are being implemented. In addition, the CPS shall include in each school's report card any other supplementary and compensatory programs funded by or outside the desegregation budget.

B. Desegregation Funding

During the implementation of the original Consent Decree, the CPS has allocated significant local funds to its desegregation budget for desegregation activities. Such desegregation funds (*e.g.*, the 065, 163, and 011 funds) have supported magnet schools and programs, specialized schools, compensatory and supplemental programs, magnet clusters, transportation for desegregation, and other purposes. Obligations undertaken by the CPS with respect to the original Decree, however, are not limited to the desegregation budget.

For each year that this Modified Decree is in effect, the CPS shall maintain its desegregation budget at its current level of \$98.3 million, but may decrease it by no more than 10% from the previous year's level upon a showing by the CPS that the proposed decrease is not inconsistent with this Decree's goals. During the life of this Consent Decree, the CPS may use these funds for magnet and specialized schools, compensatory and supplementary programs, transportation and magnet cluster programs.

1. Guidelines for Allocation of Desegregation Funds

To ensure that the desegregation funds are used in a manner that is consistent with this Consent Decree, by the date specified in Appendix D, the CPS shall review and update, if necessary, and publish the guidelines for allocating desegregation funds, approving programs for which the funds are used, and monitoring how such funds are used at each school.

a. Magnet and Specialized Schools

The guidelines shall provide that the CPS allocate desegregation funds to assist magnet and specialized schools in developing and maintaining magnet themes, in attracting desegregated enrollments and in implementing any new magnet schools or improvements to existing magnet schools that result from the CPS' magnet study. The guidelines shall consider whether the funds are necessary for the success of the magnet school and whether the magnet school is meeting its goals, including whether achievement of such goals is feasible.

b. Compensatory and Supplemental Programs

The guidelines shall provide that the CPS allocate desegregation funds for compensatory and supplemental programs to African American and Hispanic racially-isolated schools and that priority be given to racially-isolated schools that do not receive funding for compensatory, supplemental or magnet programs, including clusters. In addition, the guidelines shall consider the schools with the greatest needs, taking into account factors related to particular issues in these schools, including achievement, safety and security, facilities, and counseling.

c. Transportation

The guidelines shall provide that the CPS allocate desegregation funds for transportation for magnet and specialized schools and for M-to-M transfers.

d. Magnet Clusters

The guidelines shall provide that desegregation funds may be used for magnet cluster schools and that, where such funds are allocated to magnet cluster schools, they are to be used to develop and to maintain the magnet themes at magnet cluster schools. The guidelines shall explain how existing and new magnet cluster schools may apply for desegregation funds. In addition, the guidelines shall require that desegregation funds for magnet cluster programs be allocated to African American or Hispanic racially-isolated schools or to schools that enhance the desegregation of schools within that cluster. The guidelines also shall ensure that the amount of desegregation funds allocated to magnet cluster schools each year does not exceed the amount of desegregation funds allocated to (1) magnet schools and programs and specialized schools, or (2) compensatory and supplemental programs for that year.

2. Reporting

By the date specified in Appendix D of each year, the CPS shall report to the United States the total amount of desegregation funds allocated by program and by school.

C. Discipline

The CPS shall review the implementation of its discipline policy and practices to ensure that a student's race or ethnicity is not a factor in any disciplinary action. By the date specified in Appendix D, the CPS shall provide the United States a copy of the results of this review.

D. Higher Level Course Offerings at High Schools

The CPS continues to be committed to increasing the number and percentage of African American and Hispanic students who participate in, and successfully complete, higher-level courses at the high school level, including Advanced Placement ("AP") and honors classes, and to ensuring that African American and Hispanic students are not discriminated against in gaining access and admission to these courses. By the date specified in Appendix D, the CPS shall review and update,

if necessary, its plan to increase the number of African American and Hispanic students participating in, and successfully completing, higher-level courses at the high school level by increasing their participation in existing higher-level courses offered at their schools and by increasing the number of higher-level courses offered at their schools. By the date specified in Appendix D of each school year, the CPS shall report (1) the number and percentage of students participating in, and successfully completing, higher-level courses at each school, disaggregated by race and ethnicity, and (2) the title of higher-level courses offered at each high school, indicating whether they are AP or honors classes. The CPS shall contact any school or schools reporting few or no AP or honors classes to determine the reason for this and shall assist the school or schools in establishing such classes.

E. Extracurricular Activities

By the date specified in Appendix D, the CPS shall develop an extracurricular policy that shall ensure that students are given equitable access to extracurricular activities no matter where they attend school. In addition, the policy shall include a provision for reporting participation in extracurricular activities by school, disaggregated by race and ethnicity. In particular, each school shall report annually the academic, social, sports and other activities offered at that school, disaggregated by race and ethnicity.

VI. English Language Learner Programs

The CPS continues to be committed to providing language acquisition programs to all eligible students. The CPS shall provide these programs in a timely and educationally appropriate manner, consistent with its written policies as set forth in its *Framework for Success* and any modifications thereto required by Appendix C. As specifically detailed in Appendix C, which is incorporated herein by reference, the CPS shall continue to discharge its legal obligations to provide language acquisition instruction to all eligible students in a manner consistent with the overall objectives of this Consent Decree. The CPS shall not assign or reassign ELL students to schools in a manner that interferes with their participation in language acquisition programs.

VII. Review of Existing Policies

By the date specified in Appendix D, the CPS shall review all relevant existing policies to ensure that they are consistent with this Consent Decree.

VIII. Training

By the date specified in Appendix D, the CPS shall provide training for the principals regarding the goals and requirements of this Consent Decree. By the date specified in Appendix D, each principal shall ensure that training is provided for his or her local school council regarding the goals and requirements of this Modified Consent Decree.

IX. Monitoring and Reporting

A. Monitoring

1. The CPS shall assign an identified department the responsibility for assisting the Chief Executive Officer in monitoring implementation of this Consent Decree.
2. The parties anticipate cooperating and therefore do not see the need for an outside monitor at this time; however, should the United States conclude otherwise, it reserves the right to petition for an independent monitor.
3. At least twice each school year, the Chief Executive Officer shall make a presentation to the CPS Board at a public board meeting regarding the progress of the CPS in implementing this Consent Decree. The CPS shall notify the United States of the dates of the presentations and shall provide a copy of each presentation to the United States.
4. The attorneys for the United States and the CPS shall meet at least twice during each school year to discuss the progress of the CPS in implementing this Consent Decree.

B. Reporting

1. By the date specified in Appendix D of each school year, the CPS shall publish for the public and shall submit to the United States a report card for the CPS and for each school regarding the implementation of this Consent Decree. Each report card shall include information regarding: (1) student racial/ethnic profiles; (2) faculty racial/ethnic profiles; (3) faculty experience/NCLB "Highly Qualified"; (4) compensatory-type programs; (5) total school budget dollars; and (6) extracurricular programs.
2. By the date specified in Appendix D of each school year, the CPS shall report:

- a. the number and percentage of students, disaggregated by race and ethnicity, enrolled in the CPS as a whole, and the number and percentage of students, disaggregated by race and ethnicity, enrolled in each school in the CPS. This data shall be provided in the binder format used by the CPS Office of Accountability;
 - b. the number and percentage of teachers, disaggregated by race and ethnicity, in the CPS districtwide at the elementary and high school levels, and the number and percentage of teachers, disaggregated by race and ethnicity, assigned to each school in the CPS. This data shall be provided in the binder format used by the CPS Office of Accountability; and
 - c. for each magnet school, the number of students, disaggregated by race and ethnicity, who: applied for admission to the school; were accepted into the school; and were denied admission to the school.
3. By the date specified in Appendix D of each school year, the United States shall review the information provided in the report cards and the reports listed in paragraph IX.B.2. and shall submit in writing to CPS any comments, recommendations and objections concerning the information contained in these annual reports.

X. Review and Termination

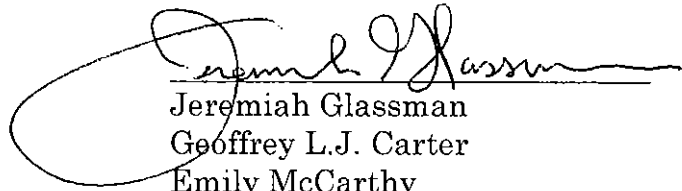
- A. The United States shall have the right to seek judicial resolution of any non-compliance with this Consent Decree occurring during the pendency of the Decree, by motion or other appropriate means.
- B. At all times the United States shall have the right to conduct discovery pursuant to the Federal Rules of Civil Procedure in order to assess the CPS' compliance with this Consent Decree, including the development and implementation of plans, programs and guidelines required by this Consent Decree.
- C. Upon the submission of all annual reports for the completed 2006-07 school year, the CPS shall file a motion for dismissal of this case, provided the CPS has fully and in good faith implemented the terms of this Modified Consent Decree. The CPS, however, reserves the right to move for dismissal of this case after submitting all annual reports for the completed 2005-06 school year. Should the CPS move for dismissal after the completed 2005-06 school year, it shall bear the burden of

THE UNDERSIGNED CONSENT TO THE ENTRY OF THIS DECREE:

Respectfully submitted,

Patrick J. Fitzgerald
United States Attorney
Joan Lasar
Assistant U.S. Attorney
219 South Dearborn St., 5th Floor
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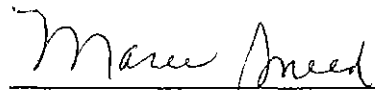
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Magnet Schools

<u>Unit #</u>	<u>School</u>		
6660	Beasley		
7860/7861	Black/Black Branch		
2520	Burnside		
1790	Chicago High School for Agricultural Sciences		
1820	Curie High School		
2990	Decatur		
8000	Disney		
2220	Edison		
3240	Ericson		
3420	Franklin		
4160	Galileo		
3490	Gallistel		
3290	Goodlow		
3690	Gunsaulus		
3830	Hawthorne		
4890	Inter-American		
4690	Jackson		
6920	Jensen		
1060	Jones High School		
3370	Kanoon		
4960	Keller		
4420	LaSalle		
7240	Lenart		
4750	McDade		
5030	Murray		
5080	Newberry		
5240	Owen		
5400	Pershing		
5460	Poe		
3550	Randolph		
7790	Sabin		
4250	Saucedo		
4920	Sheridan		
5940	Skinner		
6070	Stone		
6190	Thorp		
3110	Turner-Drew		
6250	Vanderpoel		
1610	Von Steuben High School		
1810	Whitney Young High School		
		35	Magnet Elementary Schools
		5	Magnet High Schools
		40	TOTAL Magnet Schools

Magnet Cluster Schools (2003-04)

Unit School	Area	Program	Special Info	Cluster name
3150 Ebinger Elementary School	1	World Language		Northwest Magnet Cluster
2220 Edison Regional Gifted Center	1	Regional Gifted Center	Regional Gifted Center	Northwest Magnet Cluster
3510 Garry Elementary School	1	Math/Science		Northwest Magnet Cluster
5120 Norwood Park Elementary School	1	World Language		Northwest Magnet Cluster
5190 Onahan Elementary School	1	Math/Science		Northwest Magnet Cluster
5980 Solomon Elementary School	1	Math/Science		Northwest Magnet Cluster
6470 Wildwood Elementary School	1	International CPS Scholars		Northwest Magnet Cluster
2110 Audubon Elementary School	1	International Baccalaureate Middle Years Programme		Northwest Magnet Cluster
2300 Blaine Elementary School	2	Math/Science		Lake View North Magnet Cluster
2730 Grealey Elementary School	2	Fine and Performing Arts		Lake View North Magnet Cluster
3730 Hamilton Elementary School	2	World Language		Lake View North Magnet Cluster
4170 Jahn Elementary School	2	Fine and Performing Arts		Lake View North Magnet Cluster
5070 Nettlhorst Elementary School	2	World Language	Regional Gifted Center	Lake View North Magnet Cluster
2440 Budlong Elementary School	2	Math/Science		Lake View North Magnet Cluster
2730 Chappell Elementary School	2	World Language		Lake View North Magnet Cluster
4800 McPherson Elementary School	2	Fine and Performing Arts		Lake View North Magnet Cluster
5360 Peirce Elementary School	2	World Language		Lake View North Magnet Cluster
6130 Swift Specialty School	2	World Language		Lake View North Magnet Cluster
6230 Turnbull Elementary School	2	International Baccalaureate Middle Years Programme		Lake View North Magnet Cluster
6370 Waters Elementary School	2	International CPS Scholars		Northwest Magnet Cluster
2080 Armstrong Elementary School	2	International CPS Scholars		Northwest Magnet Cluster
2320 Boone Elementary School	2	Fine and Performing Arts		Northwest Magnet Cluster
3350 Field Elementary School	2	Literature and Writing		Northwest Magnet Cluster
3480 Gale Community Academy	2	Fine and Performing Arts		Northwest Magnet Cluster
2870 Jordan Elementary School	2	International CPS Scholars		Northwest Magnet Cluster
4300 Kilmer Elementary School	2	Math/Science		Northwest Magnet Cluster
7060 New Field Elementary School	2	World Language		Northwest Magnet Cluster
4590 Aral Middle School	2	Literature and Writing		Northwest Magnet Cluster
6600 Brennemann Elementary School	2	Fine and Performing Arts		Northwest Magnet Cluster
8000 Disney Magnet School	2	International CPS Scholars	Magnet School	Northwest Magnet Cluster
6910 McCutcheon Elementary School	2	Fine and Performing Arts		Northwest Magnet Cluster
6040 Stewart Elementary School	2	Fine and Performing Arts		Northwest Magnet Cluster
6060 Stockton Elementary School	2	World Language		Northwest Magnet Cluster
2450 Burbank Elementary School	2	Math/Science		Northwest Magnet Cluster
4510 Locke Elementary School	2	Math/Science		Northwest Magnet Cluster
5720 Sayre Language Academy	3	Literature and Writing		Northwest Magnet Cluster
2550 Brunson Elementary School	3	International Baccalaureate Middle Years Programme		Northwest Magnet Cluster
6630 Douglass Junior High Academy	3	World Language		Northwest Magnet Cluster
3840 Hay Community Academy	3	Math/Science		Northwest Magnet Cluster
4060 Howe Elementary School	3	Fine and Performing Arts		Northwest Magnet Cluster
5700 Armstrong Elementary School	3	Math/Science		Northwest Magnet Cluster
2230 Clark Elementary School	3	Math/Science		Northwest Magnet Cluster
6620 Clark Middle School	3	Fine and Performing Arts		Northwest Magnet Cluster
3220 Ellington Elementary School	3	International Baccalaureate Middle Years Programme		Northwest Magnet Cluster
3230 Emmet Elementary School	3	World Language		Northwest Magnet Cluster
4670 May Community Academy	3	World Language		Northwest Magnet Cluster
6000 Spencer Math and Science Academy	3	Math/Science		Northwest Magnet Cluster
2760 Chase Elementary School	3	Math/Science		Northwest Magnet Cluster
2960 Darwin Elementary School	4	World Language		Northwest Magnet Cluster
4850 Monroe Elementary School	4	World Language		Northwest Magnet Cluster
4870 Moos Elementary School	4	Literature and Writing		Northwest Magnet Cluster

6080	Stowe Fine and Performing Arts Academy	4	Fine and Performing Arts		Logan Square Magnet Cluster
2530	Burr Elementary School	5	World Language		West Town Magnet Cluster
2640	Carpenter Elementary School	5	Fine and Performing Arts		West Town Magnet Cluster
4380	Lozano Bilingual and International Center	5	International CPS Scholars		West Town Magnet Cluster
5220	Olis Elementary School	5	World Language		West Town Magnet Cluster
7790	Sabin Magnet School	5	World Language	Magnet School	West Town Magnet Cluster
2060	Andersen Community Academy	5	World Language		Wicker Park Magnet Cluster
2770	Chopin Elementary School	5	Math/Science		Wicker Park Magnet Cluster
7420	De Diego Community Academy	5	Literature and Writing		Wicker Park Magnet Cluster
4400	Lafayette Elementary School	5	Math/Science		Wicker Park Magnet Cluster
6460	Pritzker Elementary School	5	Fine and Performing Arts		Wicker Park Magnet Cluster
5520	Pulaski Community Academy	5	Fine and Performing Arts		Wicker Park Magnet Cluster
4840	Mitchell Elementary School	5	Literature and Writing		Wicker Park Magnet Cluster
4900	Morse Elementary School	5	Math/Science		Wicker Park Magnet Cluster
7510	Roque de Duprey Elementary School	5	Math/Science		Wicker Park Magnet Cluster
5680	Ryerson Elementary School	5	Literature and Writing		Wicker Park Magnet Cluster
2030	Agassiz Elementary School	6	Fine and Performing Arts		Wicker Park Magnet Cluster
2370	Brenlano Math and Science Academy	6	Math/Science		Wicker Park Magnet Cluster
2470	Burley Elementary School	6	Literature and Writing		Wicker Park Magnet Cluster
5080	Newberry Math and Science Academy	6	Literature and Writing		Wicker Park Magnet Cluster
5150	Ogden Elementary School	6	Math/Science		Wicker Park Magnet Cluster
5500	Prescott Elementary School	6	IB-Prep	Magnet School	West Humboldt Park Magnet Cluster
2040	Alcott Elementary School	6	International CPS Scholars		West Humboldt Park Magnet Cluster
3830	Hawthorne Scholastic Academy	6	International CPS Scholars		West Humboldt Park Magnet Cluster
4420	LaSalle Language Academy	6	Literature and Writing		West Humboldt Park Magnet Cluster
4480	Lincoln Elementary School	6	World Language		West Humboldt Park Magnet Cluster
4680	Mayer Elementary School	6	IB-Prep	Magnet School	West Humboldt Park Magnet Cluster
2560	Byrd Community Academy	6	Fine and Performing Arts		West Humboldt Park Magnet Cluster
4200	Jenner Elementary School	6	Math/Science		West Humboldt Park Magnet Cluster
4580	Manierre Elementary School	6	Fine and Performing Arts		West Humboldt Park Magnet Cluster
5760	Schiller Elementary School	6	Math/Science		West Humboldt Park Magnet Cluster
7840	Goldblatt Elementary School	6	International CPS Scholars		West Humboldt Park Magnet Cluster
6590	Marconi Community Academy	7	Fine and Performing Arts		West Humboldt Park Magnet Cluster
6110	Sumner Mathematics and Science Community Academy	7	Fine and Performing Arts		West Humboldt Park Magnet Cluster
6210	Tilton Elementary School	7	Math/Science		West Humboldt Park Magnet Cluster
6610	Calhoun North Elementary School	7	World Language		West Humboldt Park Magnet Cluster
6730	Cather Elementary School	7	Math/Science		West Humboldt Park Magnet Cluster
6740	Dell Elementary School	7	Math/Science		West Humboldt Park Magnet Cluster
3610	Grant Elementary School	7	Math/Science		West Haven Education Connection
2400	Brown Elementary School	7	World Language		West Haven Education Connection
5990	Spaulding Elementary School	7	Math/Science		West Haven Education Connection
6090	Suder Elementary School	7	International CPS Scholars		West Haven Education Connection
2740	Chalmers Elementary School	8	International CPS Scholars		West Haven Education Connection
3660	Gregory Elementary School	8	Math/Science		West Haven Education Connection
6940	Johnson Elementary School	8	Math/Science		West Haven Education Connection
3410	Kellman Corporate Community School	8	World Language		West Haven Education Connection
5480	Pope Elementary School	8	World Language		West Haven Education Connection
2940	Crown Community Academy	8	Fine and Performing Arts		West Haven Education Connection
6760	Dvorak Math/Science/Technology Academy	8	Fine and Performing Arts		West Haven Education Connection
7780	Frazier Elementary School	8	Math/Science		West Haven Education Connection
3970	Hertl Elementary School	8	Math/Science		West Haven Education Connection
4070	Howard School of the Arts	8	World Language		West Haven Education Connection
6750	Lathrop Elementary School	8	Fine and Performing Arts		West Haven Education Connection
			International CPS Scholars		West Haven Education Connection

4430	Lawndale Community Academy	8	Math/Science			South Lawndale Learning
4650	Mason Elementary School	8	Math/Science			South Lawndale Learning
5370	Penn Elementary School	8	Literature and Writing			South Lawndale Learning
3090	Douglas Community Academy	9	Math/Science			Global Excellence Magnet Cluster
3100	Drake Elementary School	9	Math/Science			Global Excellence Magnet Cluster
3700	Haines Elementary School	9	Math/Science			Global Excellence Magnet Cluster
3880	Healy Elementary School	9	Math/Science			Global Excellence Magnet Cluster
4020	Holden Elementary School	9	Fine and Performing Arts			Global Excellence Magnet Cluster
3960	South Loop Elementary School	9	Fine and Performing Arts			Global Excellence Magnet Cluster
6330	Ward, J Elementary School	9	Fine and Performing Arts			Global Excellence Magnet Cluster
3540	Gladstone Elementary School	9	World Language			Global Excellence Magnet Cluster
4690	Jackson Language Academy	9	Fine and Performing Arts			Global Excellence Magnet Cluster
4810	Medill Elementary School	9	World Language			Global Excellence Magnet Cluster
7610	Orozco Community Academy	9	Math/Science			Near West/Pilsen Magnet Cluster
4210	Pilsen Community Academy	9	Math/Science			Near West/Pilsen Magnet Cluster
5970	Smyth Elementary School	9	Fine and Performing Arts		Regional Gifted Center	Near West/Pilsen Magnet Cluster
2540	Burroughs Elementary School	9	Literature and Writing			Near West/Pilsen Magnet Cluster
2510	Castellanos Elementary School	10	International CPS Scholars			Near West/Pilsen Magnet Cluster
7330	De La Cruz Elementary School	10	International CPS Scholars			Near West/Pilsen Magnet Cluster
3370	Kannon Magnet School	10	Literature and Writing			Near West/Pilsen Magnet Cluster
6310	Madero Middle School	10	Math/Science			Near West/Pilsen Magnet Cluster
4720	McCormick Elementary School	10	World Language			Near West/Pilsen Magnet Cluster
6020	Paderewski Elementary School	10	International Baccalaureate Middle Years Programme			Near West/Pilsen Magnet Cluster
5390	Rutz Elementary School	10	World Language			Near West/Pilsen Magnet Cluster
6010	Spy Elementary School	10	Math/Science			Near West/Pilsen Magnet Cluster
3380	Telpochcaltl Elementary School	10	Fine and Performing Arts			Near West/Pilsen Magnet Cluster
2980	Daves Elementary School	11	World Language			Near West/Pilsen Magnet Cluster
2350	Lionel Hampton Fine and Performing Arts School	11	Math/Science			Near West/Pilsen Magnet Cluster
6030	Stevenson Elementary School	11	Fine and Performing Arts			Near West/Pilsen Magnet Cluster
2570	Byrne Elementary School	11	Math/Science			Near West/Pilsen Magnet Cluster
3080	Dore Elementary School	11	Math/Science			Near West/Pilsen Magnet Cluster
3200	Edwards Elementary School	11	Math/Science			Near West/Pilsen Magnet Cluster
3710	Hale Elementary School	11	Fine and Performing Arts			Near West/Pilsen Magnet Cluster
3890	Hearst Elementary School	11	Math/Science			Near West/Pilsen Magnet Cluster
4330	Kinzie Elementary School	11	Math/Science			Near West/Pilsen Magnet Cluster
3140	Eberhart Elementary School	11	Fine and Performing Arts			Near West/Pilsen Magnet Cluster
3680	Grimes Elementary School	11	Math/Science			Near West/Pilsen Magnet Cluster
4120	Hurley Elementary School	11	Fine and Performing Arts			Near West/Pilsen Magnet Cluster
7170	Lee Elementary School	11	Math/Science			Near West/Pilsen Magnet Cluster
4620	Marquette West Elementary School	11	International CPS Scholars			Near West/Pilsen Magnet Cluster
5310	Pasteur Elementary School	11	International Baccalaureate Middle Years Programme			Near West/Pilsen Magnet Cluster
5340	Peck Elementary School	11	World Language			Near West/Pilsen Magnet Cluster
5640	Chavez Elementary School	11	Math/Science			Near West/Pilsen Magnet Cluster
6560	Daley Elementary School	12	Math/Science			Near West/Pilsen Magnet Cluster
3900	Hedgcs Elementary School	12	Math/Science			Near West/Pilsen Magnet Cluster
5820	Seward Elementary School	12	Fine and Performing Arts			Near West/Pilsen Magnet Cluster
7480	Anderson Community Academy	12	Literature and Writing			Near West/Pilsen Magnet Cluster
2660	Carson Elementary School	12	Math/Science			Near West/Pilsen Magnet Cluster
7180	Davis, M. Academy	12	World Language			Near West/Pilsen Magnet Cluster
3550	Randolph Magnet School	12	Math/Science			Near West/Pilsen Magnet Cluster
6660	Beasley Academic Magnet Center	12	Literature and Writing			Near West/Pilsen Magnet Cluster
6540	Beethoven Elementary School	13	Math/Science			Near West/Pilsen Magnet Cluster
3030	Dewey Elementary School	13	Math/Science			Near West/Pilsen Magnet Cluster
		13	Fine and Performing Arts			Near West/Pilsen Magnet Cluster

3300	Farren Elementary School	13	Math/Science			Grand Boulevard Magnet Cluster
2100	Attucks Elementary School	13	Math/Science			Project Challenge Magnet Cluster
3440	Fuller Elementary School	13	World Language			Project Challenge Magnet Cluster
3600	Graham Elementary School	13	Math/Science			Project Challenge Magnet Cluster
3930	Hendricks Community Academy	13	Math/Science			Project Challenge Magnet Cluster
6820	McCorle Elementary School	13	Math/Science			Project Challenge Magnet Cluster
2200	Nicholson Specialty School	13	Math/Science			Project Challenge Magnet Cluster
5270	Parker Community Academy	14	Math/Science			Englewood Magnet Cluster
6870	Reed Elementary School	14	Math/Science			Englewood Magnet Cluster
7080	Woods Community Academy	14	International CPS Scholars			Englewood Magnet Cluster
4260	Carler Middle School	14	Math/Science			Englewood Magnet Cluster
3780	Harte Elementary School	15	World Language		Grades 7-8	Englewood Magnet Cluster
5030	Murray Language Academy	15	Math/Science		Grades K-6	Englewood Magnet Cluster
5560	Ray Elementary School	15	World Language		Magnet School	Englewood Magnet Cluster
5920	Shoensmith Elementary School	15	World Language		Grades K-6	Englewood Magnet Cluster
3640	Ariel Community Academy	15	Math/Science		Grades K-6	Englewood Magnet Cluster
1600	Dyett Academic Center	15	Math/Science			Englewood Magnet Cluster
4390	Kozminski Community Academy	22	Math/Science			Englewood Magnet Cluster
6810	Puze Elementary School	15	International CPS Scholars			Englewood Magnet Cluster
6780	Robinson Elementary School	15	Fine and Performing Arts			Englewood Magnet Cluster
2630	Carnegie Elementary School	15	Literature and Writing			Englewood Magnet Cluster
6890	Durnas Elementary School	15	International Baccalaureate Middle Years Programme			Englewood Magnet Cluster
3360	Fiske Elementary School	15	Fine and Performing Arts			Englewood Magnet Cluster
4740	McCosh Elementary School	15	World Language			Englewood Magnet Cluster
6300	Wadsworth Elementary School	15	World Language			Englewood Magnet Cluster
2150	Barnard Elementary School	15	Math/Science			Englewood Magnet Cluster
2820	Clissold Elementary School	16	International Baccalaureate Middle Years Programme			Englewood Magnet Cluster
3250	Esmond Elementary School	16	International Baccalaureate Middle Years Programme			Englewood Magnet Cluster
4240	Kellog Elementary School	16	International Baccalaureate Middle Years Programme			Englewood Magnet Cluster
6120	Sutherland Elementary School	16	International Baccalaureate Middle Years Programme			Englewood Magnet Cluster
6250	Vanderpool Magnet School f or the Humanities	16	Fine and Performing Arts			Englewood Magnet Cluster
2650	Carroll-Rosenwald Elementary School	16	Math/Science			Englewood Magnet Cluster
3400	Fort Dearborn Elementary School	16	Fine and Performing Arts			Englewood Magnet Cluster
3430	Foster Park Elementary School	16	Fine and Performing Arts			Englewood Magnet Cluster
2720	Cassell Elementary School	16	Fine and Performing Arts			Englewood Magnet Cluster
4960	Keller Regional Gifted Center	16	Regional Gifted Center			Englewood Magnet Cluster
4940	Mount Greenwood Elementary School	16	Math/Science			Englewood Magnet Cluster
6050	Durne Elementary School	16	Math/Science			Englewood Magnet Cluster
7990	Evers Elementary School	16	Fine and Performing Arts			Englewood Magnet Cluster
3330	Ferwood Elementary School	16	Math/Science			Englewood Magnet Cluster
5420	Garvey Elementary School	16	Math/Science			Englewood Magnet Cluster
8060	Hughes Langston Elementary School	16	World Language			Englewood Magnet Cluster
8030	Wacker Elementary School	16	International CPS Scholars			Englewood Magnet Cluster
7860	Black Magnet School	17	Math/Science			Englewood Magnet Cluster
2580	Caldwell Elementary School	17	Math/Science			Englewood Magnet Cluster
7450	Eaehart Elementary School	17	Fine and Performing Arts			Englewood Magnet Cluster
4080	Hoyle Elementary School	17	Fine and Performing Arts			Englewood Magnet Cluster
6350	Warren Elementary School	17	Math/Science			Englewood Magnet Cluster
5380	Washington H. Elementary School	17	Fine and Performing Arts			Englewood Magnet Cluster
3040	Dixon Elementary School	17	Math/Science			Englewood Magnet Cluster
3530	Gillespie Elementary School	17	International CPS Scholars			Englewood Magnet Cluster
4350	Kipling Elementary School	17	Fine and Performing Arts			Englewood Magnet Cluster
5060	Neil Elementary School	17	Literature and Writing			Englewood Magnet Cluster

5440	Pirtle Elementary School	17	Fine and Performing Arts		Chatham/Washington Heights
5670	Ryder Math/Science Speciality School	17	Math/Science		Chatham/Washington Heights
3110	Turner-Drew Language Academy	17	World Language	Magnet School	Chatham/Washington Heights
2430	Bouchet Elementary School	17	Math/Science		South Shore North Magnet Cluster
4570	Maddison Elementary School	17	Fine and Performing Arts		South Shore North Magnet Cluster
5180	OKeeffe Elementary School	17	Math/Science		South Shore North Magnet Cluster
5610	Revere Elementary School	17	International CPS Scholars		South Shore North Magnet Cluster
2130	Avalon Park Elementary School	17	Fine and Performing Arts		South Shore South Magnet Cluster
2340	Bradwell Elementary School	17	Fine and Performing Arts		South Shore South Magnet Cluster
2830	Coles Elementary School	17	Math/Science		South Shore South Magnet Cluster
4610	Mann Elementary School	17	World Language		South Shore South Magnet Cluster
2710	Aldridge Elementary School	18	Math/Science		South Shore South Magnet Cluster
2700	Carver Middle School	18	Fine and Performing Arts	Grades 4-8	Carver Magnet Cluster
2690	Carver Primary School	18	Fine and Performing Arts	Grades K-3	Carver Magnet Cluster
8010	Dubois Elementary School	18	World Language		Carver Magnet Cluster
2360	Haley Elementary School	18	World Language		Carver Magnet Cluster
7210	Higgins Community Academy	18	Fine and Performing Arts		Far South Side Magnet Cluster
4980	Mount Vernon Elementary School	16	Fine and Performing Arts		Far South Side Magnet Cluster
5930	Shoop Elementary School	18	Math/Science		Far South Side Magnet Cluster
6420	Whistler Elementary School	18	Math/Science		Far South Side Magnet Cluster
5880	Mirales Academy	18	International CPS Scholars		South Chicago Magnet Cluster
3720	Ninos Heroes Academic Center	18	Math/Science		South Chicago Magnet Cluster
6100	Sullivan Elementary School	18	Fine and Performing Arts		South Chicago Magnet Cluster
2020	Addams Elementary School	18	International CPS Scholars		South Chicago Magnet Cluster
2480	Burnham Academy	18	Math/Science		South Chicago Magnet Cluster
2790	Clay Elementary School	18	International CPS Scholars	Magnet School	South Chicago Magnet Cluster
3490	Gallistel Language Academy	18	World Language		South Chicago Magnet Cluster
3580	Grisson Elementary School	18	Fine and Performing Arts		South Chicago Magnet Cluster
4550	Lawrence School f or Math and Science	18	Math/Science		South Chicago Magnet Cluster
4630	Marsh Elementary School	18	International Baccalaureate Middle Years Programme		South Chicago Magnet Cluster
6150	Taylor Elementary School	18	Math/Science		South Chicago Magnet Cluster
6360	Washington, G. Elementary School	18	Literature and Writing		South Chicago Magnet Cluster
5040	Brown Academy	18	World Language		South Chicago Magnet Cluster
3570	Gompers Elementary School	18	Fine and Performing Arts	Grades 4-8	West Pullman Magnet Cluster
3190	Metcalfe Community Academy	18	Math/Science		West Pullman Magnet Cluster
3470	Owens Community Academy	18	Fine and Performing Arts	Grades K-3	West Pullman Magnet Cluster
6400	West Pullman Elementary School	18	Literature and Writing		West Pullman Magnet Cluster
7440	White Elementary School	18	International CPS Scholars		West Pullman Magnet Cluster

APPENDIX C

1. Registration, Identification and Placement of ELLs
 - a. The CPS shall continue to manage and oversee school-based implementation of the Home Language Survey ("HLS") to ensure that the HLS is given to every student upon initial enrollment in the CPS, in his or her primary language, where appropriate.
 - b. All students who indicate on the HLS that they have a non-English language background (*e.g.*, the student lives in a home where a language other than English is spoken, or the student speaks a language other than English) must be assessed for possible placement in a language acquisition program.
 - c. At each school, the CPS shall compile and maintain a current list of personnel, including non-teaching staff, available to provide language translation assistance when necessary to serve ELLs and/or their parents and guardians. Each list shall specify the languages for which each staff or faculty member can provide translation assistance. The CPS shall ensure, to the extent practicable, that ESL and/or Bilingual teachers are not pulled away from their teaching and/or class preparation responsibilities to serve as translators.
 - d. The CPS shall ensure that:
 - 1) Each ELL is identified and placed, in a timely and appropriate manner, in an English language acquisition program that is consistent with the CPS' policies, including the *Framework for Success* ("Framework"); or
 - 2) After being notified of language acquisition program placement options, the ELL's parents have waived the ELL's right to be placed in an English language acquisition program.
2. Instruction of ELL Students
 - a. The CPS shall continue to implement its ELL instruction consistent with the policies and guidelines set forth in the *Framework* and shall implement any modifications to the *Framework* that result from this Modified Consent Decree.
 - b. Where there are 20 or more ELLs of the same language background in a given school, ELLs of that language background shall receive instruction pursuant to the Transitional Bilingual Education ("TBE")

model provided in the *Framework*. The CPS shall ensure that the amount of instruction in the native language and English in TBE classes varies according to the program year of the student and the amount of instruction in English increases over time consistent with the *Framework*.

- c. Where there are 19 or fewer ELLs of the same language background in a given school, such ELLs shall receive instruction pursuant to the Transitional Program of Instruction ("TPI") model provided in the *Framework*, which includes ESL instruction. To the extent practicable, the CPS shall provide ESL instruction to ELLs in groups of students who are at a comparable English language level. The CPS shall ensure, to the extent practicable, that the amount of ESL instruction it provides to students at a given English language level is uniform within each school and consistent with educationally sound practices.
- d. If the CPS learns that an ELL student is not receiving the language acquisition instruction to which the student is entitled under the *Framework*, the CPS shall take steps immediately to ensure that appropriate services become available at the school, or if necessary, another school within a reasonable distance of the ELL's residence.
- e. By the date specified in Appendix D, the CPS shall revise its ELL policies and practices under the *Framework* to ensure that:
 - 1) ELLs in program years four ("PY4") and five ("PY5") of a language acquisition program receive adequate language acquisition instruction, provided in a consistent manner within and across schools;
 - 2) PY4 and PY5 ELLs are given a language proficiency test annually, which evaluates all four language domains (*i.e.*, listening, speaking, reading and writing); and
 - 3) language support programs are available to PY4 and PY5 students at their respective schools.
- f. Consistent with the *Framework*, the CPS shall ensure that:
 - 1) All PY5 students and eligible PY4 students have access to a summer bilingual transition support program;
 - 2) At each school, appropriate personnel meet with the parents of PY5 students, prepare an Individual Bilingual Instruction Plan ("IBIP") for each PY5 student, and maintain a summary of the

language acquisition instruction provided to each PY5 student;
and

- 3) CPS personnel audit the instructional program of the IBIP, including any summaries, as part of the program compliance review process.
- g. The CPS shall continue to annually assess the academic performance and English language proficiency of each ELL enrolled in a language acquisition program. Annual testing of English language proficiency shall utilize multiple assessment instruments and shall evaluate all four language domains.
- h. The CPS shall ensure that all schools use the results of language proficiency assessments to ensure that the language acquisition placement of every ELL is appropriate. To the extent that such test results are not available in a timely fashion, schools shall use the information recorded in the English Language Learner Data folders ("ELL Folder") and any other relevant information to ensure appropriate placement and to tailor language acquisition instruction to each ELL student's particular needs. The CPS shall provide training on the use of such data for teachers who require such training, and shall monitor the instructional techniques of each language acquisition teacher at least once a year to ensure that the techniques used are educationally sound.
- i. At least one language acquisition teacher of each ELL shall be responsible for recording and timely updating the ELL's language, program entry and exit dates, annual English proficiency test scores, acquisition of certain language skills, and other relevant information on each student's ELL Folder.
- j. The CPS shall integrate ELLs with non-ELL general education students in appropriate classes and activities, including art, music, lunch, recess, physical education, and extracurricular activities. To the extent practicable, the CPS shall integrate ELLs with non-ELL general education students in school functions and co-curricular activities.

3. Resources for ELL Students

The CPS shall ensure that:

- a. Every school's media center and library is fully accessible for ELLs, and shall provide ELLs with orientation and training in the use of such media and library resources;

- b. Each school library has sufficient language-ability appropriate literary materials in English, as well as age-appropriate literary materials in the native language(s) of the ELLs at the school,
- c. ELLs in each school receive all instruction (*e.g.*, in-classroom, pullout, other) in facilities that are comparable to the facilities used by students who are not ELLs;
- d. Sufficient funds are allocated to each school to provide ELLs with educationally sound textbooks and instructional materials; and
- e. ELLs in each school have meaningful access to educational programs, activities and services (*e.g.*, kindergarten, tutoring, after-school programming and magnet schools and programs) that are comparable to the educational programs, activities and services provided to students in the same school who are not ELLs.

4. Teacher certifications

- a. The CPS shall ensure, to the extent practicable, that:
 - 1) Those teachers who lack appropriate certification receive adequate training in working with ELLs and are working towards achieving full certification in a timely manner;
 - 2) Vacancies for teachers in the language acquisition program are filled in a reasonable amount of time with fully certified teachers (*i.e.*, teachers who have a standard certification plus either an ESL or bilingual certification); and
 - 3) Schools which have a high percentage of less than fully certified ELL teachers in the language acquisition program are identified and provided assistance in securing certified staff.
- b. The CPS shall encourage all teachers of general education classes (*i.e.*, teachers of classes that are not specifically a part of a language acquisition program) to receive training regarding working with current and recently transitioned ELLs and coordinating with ESL and Bilingual teachers to identify and address any language barriers that may hinder current or recently transitioned ELLs from participating in general education classes.
- c. The CPS shall ensure, to the extent practicable, that the student/teacher and student/staff ratios in classrooms serving ELLs are not substantially higher than the student/teacher and student/staff

ratios in general education classes in the same school that serve the same grade level and teach similar subject matter.

5. ELL Access to Special Programs

- a. The CPS acknowledges that ELLs are entitled to services that shall enable them to participate meaningfully in all CPS educational programs, services and activities for which they are eligible.
- 1) The CPS shall ensure that ELLs are provided an opportunity for assessment, as appropriate, for gifted and talented programs.
 - 2) By the date specified in Appendix D, the CPS shall develop and implement written procedures for identifying ELLs in each school who may be able to qualify for the gifted and talented programs and for parent outreach about such programs. In developing such procedures, the CPS shall review the extent to which ELLs participate in gifted programs and include procedures that ensure ELLs from all language backgrounds have an equal opportunity to participate those programs. The CPS shall train all Bilingual Lead Teachers ("BLTs") about the procedures by the 2004-05 school year, and shall monitor all schools with ELLs annually to verify that personnel follow the procedures and to assess the effectiveness of the identification and outreach procedures.
 - 3) The CPS shall advise all school-based administrators and BLTs in writing that ELLs who qualify for gifted programs are entitled to participate in those programs while also receiving appropriate language acquisition instruction.

6. Special Education

- a. The CPS shall ensure that:
- 1) Special education services at each school are sufficient to address the language acquisition and special education needs of ELL students; and
 - 2) To the extent practicable, schools with special education ELLs hire teachers who have Bilingual or ESL certification and special education certification and/or adequately train teachers and aides who lack such certification and provide special education services to ELLs.

- b. The CPS shall ensure that the approximately 2,700 special education ELLs recorded in its database for the 2002-03 school year as having an "unknown" special education model are receiving one of the six models approved by the CPS and shall update its database to reflect the model number for all ELLs.

7. Transitioning and Monitoring Transitioned ELL Students

- a. By the date identified in Appendix D, the CPS shall develop a plan to ensure that its criteria for transitioning ELLs include an individual language proficiency assessment of all four language domains and that no ELL is required by CPS to exit without meeting the CPS' transition criteria. The plan shall provide uniform, multiple transition criteria for high school students, and such criteria should be sufficiently flexible to allow transitions before students complete third or fourth level ESL when such transitions are warranted. To the extent the plan allows principals to make discretionary transitions, the plan shall identify uniform, multiple exit criteria for discretionary transitions, shall require principals to document the basis for such transitions in writing, and shall monitor discretionary transitions to ensure consistency across schools. The plan also shall outline a procedure for retesting and reentering students into the ELL program and recording their reentry in the CPS' database.
- b. The CPS shall identify current ELLs and transitioned ("T") students on the rosters for general education classes so that general education teachers are aware of such students.
- c. The CPS shall collect and record data, including grades, standardized test scores, retentions in grade, graduation and drop out rates, and academic performance of current ELLs and T students in general education classes.
- d. The CPS shall monitor the academic performance of each T student in general education classes for at least one year.
 - 1) The CPS shall identify a teacher who shall be responsible for reviewing the academic performance data and meeting with T students within six weeks of the first day of school, and whenever five-week progress reports or other sources of information, reveal that the student is experiencing language proficiency problems or is failing one or more subjects or standardized tests.

- 2) At such meetings, the teacher shall discuss whether the T student needs any support services and shall detail appropriate services that are available at the school.
- e. The CPS shall ensure that each school provides sufficient support services for T students. If the CPS finds or learns that such support services are inadequate, the CPS shall take steps immediately to ensure that appropriate services become available at the school, or if necessary, another school within a reasonable distance of the T student's residence.

8. Systemic Monitoring

- a. At least once each school year, the District shall monitor the implementation of its language acquisition programs and the ELL-related requirements set forth in this Appendix at each school that reports having ELLs for that school year to assess each school's compliance with the *Framework* and the terms of this Modified Consent Decree. Consistent with the *Framework*, the CPS also shall identify schools for technical assistance visits and shall conduct unannounced compliance review visits for schools that fail to implement technical assistance recommendations. The CPS shall keep a record of each finding of non-compliance with the terms of the *Framework* and this Modified Consent Decree and shall document the steps taken to achieve compliance. Such records and documentation shall be made available for review by the United States, upon request.
- b. The CPS shall designate appropriate personnel to fulfill these monitoring obligations.
- c. For all plans pursuant to this Appendix that must be developed by a specified date, the CPS shall submit such plans to the United States for review and comment by that specified date. The United States shall have 30 days from the date of receipt to raise any questions or concerns regarding each plan. Thereafter, the parties shall confer about any disagreements about each plan and shall attempt to resolve those disagreements amicably before deciding to bring the disagreement to the Court's attention for resolution.

9. Reporting

The CPS shall provide a report to the United States by July 1 of each year that includes the following:

- a. The number of ELLs, by school, grade and native language, who:
(i) participated in a language acquisition program (*e.g.*, Transitional Bilingual Education, Transitional Program of Instruction, Dual Language, or other), specifying the type of program; (ii) waived their right to be served in a language acquisition program; and (iii) did not waive their right to be served in a language acquisition program, but were not served in such a program;
- b. The number of students, by school and native language, who:
(i) completed a home language survey in connection with registering for the school year preceding the annual report; (ii) indicated on their home language surveys that they speak a language other than English or that a language other than English is spoken in the home; (iii) based on their responses on the home language surveys, were assessed for possible placement in a language acquisition program; and (iv) after being assessed, were identified as ELLs;
- c. Copies, in English and in Spanish, of all forms related to student registration that are provided to students, parents, and/or the general public, as well as a list of other languages in which those forms are available;
- d. A list of the schools that have not prepared a list of teaching and non-teaching personnel available to provide language translation assistance when necessary to serve ELLs and/or their parents or guardians;
- e. For each school offering either a TBE or a TPI program, the number of teachers assigned to the program, broken down by type of certification held (*e.g.*, Bilingual, English as a Second Language, Type 29);
- f. For each school and grade, the average student/teacher and student/staff ratios for classes composed only of ELLs, and the average student/teacher and student/staff ratios for all other classes;
- g. A list of schools that had vacant teaching positions in the language acquisition program that remained vacant for more than thirty (30) days, specifying the number of such vacancies;
- h. For each school, the number of students who transitioned from the TBE program into the general education program, separately listing the number of students who made the transition during or at the end of their first, second, third, fourth and fifth year in the program, and specifying whether the students received an automatic (*i.e.*, based on test scores) or discretionary transition. The CPS shall provide the same information regarding each school's TPI program;

- i. For each school, the number of students who have completed five or more years in a language acquisition program and continue to participate in such a program, broken down by grade, native language and language acquisition program;
- j. For each school, the number of students who completed five years in either a TBE or a TPI program and were then placed in the general education program without having met the criteria for transitioning into that program;
- k. For each school, the number of students who were re-entered into one of the CPS' language acquisition programs, broken down by grade, native language, language acquisition program and number of years in the language acquisition program;
- l. A list of each school that does not integrate ELLs with general education students in each of the following subjects/activities: art, music, lunch, recess, physical education and extracurricular activities. For each such school, please specify the subjects/activities in which the school does not integrate ELLs with general education students;
- m. The number of books in English in each school library, and the number of books, by language, in any other foreign languages in each school library;
- n. For each school, a list of all language acquisition classes and pullout language acquisition instruction of ELLs that occur in facilities that are not designed to serve as instructional facilities (*i.e.*, storage closets and hallways), noting the number of ELLs, by native language, who are served in each such facility;
- o. For each school, the number of ELLs who (i) were referred for special education assessment; and (ii) are eligible for and receiving special education services, specifying the model or models by which those ELLs are receiving special education services;
- p. The number of ELLs, by school, grade and native language, who (i) were referred for the gifted and talented program, noting the referring individual (*e.g.*, bilingual teacher, enrichment teacher, parent), (ii) were found eligible for the gifted and talented program, and (iii) participated in a gifted and talented program not based at a gifted and talented center; and
- q. For each school, the total number of students, and the number of ELLs among the total number broken down by native language, in the following school or educational programs: a) Advanced Placement

courses; b) Honors courses; c) vocational programs (separately listing each program of study); d) magnet programs or schools; e) gifted and talented centers; and f) schools with academic admission criteria.

No.	Commitment:	Consent Decree Section	Type of Due Date:	Specific due date:
1	Provide a list of current magnet schools.	(C)(2)	Specific	10/30/03
2	Annually revise/update magnet recruitment guidelines/procedures.	(C)(3)	Annual	06/1/
3	Conduct a study of magnet schools.	(C)(4)	Specific	06/01/04
4	Review/revise as necessary magnet curriculum, recruitment procedures, transportation issues.	(C)(4)	Specific	06/01/04
5	If recommended by the magnet school study, implement additional magnet schools/programs.	(C)(4)	Specific	06/01/04
6	Provide DOJ a copy of the magnet school study.	(C)(4)	Specific	06/01/04
7	Notify the DOJ of any proposed material changes to the magnet schools/programs.	(C)(4)	Specific	06/01/04
8	Review/Revise, if necessary, definitions, recruitment procedures, and requirements for other programmatic choices for students (i.e. selective enrollment high schools, gifted centers, classical schools, military academies, vocational schools).	(D)	Specific	06/01/04
9	Provide DOJ a list of other programmatic choices for students and any revisions.	(D)	Specific	06/01/04
10	Where practicable, identify new magnet clusters that will contribute to the desegregation of the schools in the cluster.	(E)(1)	Annual	06/1/
11	List all current magnet cluster schools.	(E)(1)	Specific	10/30/03
12	Review/Update transfer policy to provide for open enrollment, majority-to-minority, and NCLB transfers consistent with Consent Decree.	(E)(2)	Specific	05/01/04
13	Monitor and report number of open enrollment transfers (by sending/receiving schools and race/ethnicity). Assess impact of open enrollment transfers on desegregation efforts; if negative, takes steps to redress this impact.	(E)(2)(a)	Annual	
14	Each school year, report to DOJ the schools available for M-to-M transfers and for which transportation may be provided.	(E)(2)(b)	Annual	04/1/
15	Each school year, report to DOJ the number of M-to-M transfers for prior school year (disaggregated by sending/receiving school, race/ethnicity).	(E)(2)(b)	Annual	07/1/
16	Publicize availability of M-to-M transfers, including names of identified schools, racial/ethnic enrollment, and transportation available.	(E)(2)(b)	Annual	04/1/
				08/01/

17	Identify "where feasible" NCLB transfer schools where transferring will promote deseg enrollment.	II(E)(2)(c)	Annual	07/01/
18	Provide annual documentation to the DOJ of NCLB transfer options considered, including for each school considered: capacity, total enrollment numbers and racial/ethnic student info.	II(E)(2)(c)	Annual	11/01/
19	Report annually to the DOJ on number of NCLB transfers for prior school year (by sending/receiving school, and by race/ethnicity).	II(E)(2)(c)	Annual	11/01/
20	Post current CPS attendance boundaries on CPS website.	II(F)	Specific	01/01/04
21	Develop a policy for establishing/revising attendance boundaries.	II(F)(2)	Specific	04/01/04
23	During term of Consent Decree, notify DOJ of proposed boundary changes.	II(F)(3)	Ongoing	One month before it goes to the Board
24	Review/revise procedures regarding overcrowding/controlled enrollments. Provide copy of procedures to DOJ. Provide plan for monitoring controlled enrollments to DOJ.	II(G)(2)	Specific	04/01/04
25	CPS shall report to DOJ on Closed Enrollment schools.	II(G)(3)	Annual	07/01/
26	Follow assignment/transfer practices for teachers while promoting/maintaining as many schools with racially/ethnically diverse faculty as is practicable.	II(A)(1)	Ongoing	11/1/ 04/1/
27	Follow assignment/transfer of school-based administrators and promote racial/ethnic diversity.	II(A)(1)	Ongoing	11/1/
28	Make good faith effort to assign full-time teachers to each school such that teacher certification, experience, and educational backgrounds are evenly distributed throughout the district.	II(A)(2)	Ongoing	
29	Review/update/publish a plan for making/monitoring progress toward achieving the faculty & administrator assignment goals. Provide a copy of the plan to DOJ.	II(B)	Specific	11/1/ 04/1/
30	Annually submit a district-wide analysis of progress towards faculty and administrator assignment goals to DOJ.	II(B)	Annual	04/01/04
31	Review/update/publish written guidelines regarding the process by which facilities are evaluated and decisions are made regarding facilities.	III(A)	Specific	11/1/
32	Provide DOJ with copy of Capital Improvement Plan.	III(B)	Specific	06/01/04
				Done

33 Notify DOJ of proposed major facility changes.	III(B)	Ongoing	One month before it goes to the Board
34 Annually provide DOJ with report that lists, for each school, number of portables, number of classroom spaces rented offsite, and numbers of each that were added/removed.	III(B)	Annual	11/1/
35 Annually identify schools that are implementing the reading initiative, the math/science initiative, early childhood education programs, full-day kindergarten programs, or after-school/extended day programs. All compensatory/supplemental programs funded by or outside the desegregation budget shall be noted on the schools' report cards.	V(A)	Annual	
36 For each year that the Decree is in effect, CPS shall maintain its deseg budget at \$98.3 million, but may decrease it by no more than 10% from the previous year's level upon showing that the proposed decrease is consistent with the Decree's goals.	V(B)	Annual	12/1/
37 Review/update/publish the guidelines for allocating deseg funds, approving programs for which the funds are used, and monitoring how such funds are used at each school.	V(B)(1)	Specific	07/1/
38 Each school year, CPS shall report to the DOJ the total amount of deseg funds allocated by program and school.	V(B)(2)	Annual	04/01/04
39 CPS shall review the implementation of its discipline policy to ensure that a student's race/ethnicity is not a factor in any disciplinary action. Provide DOJ with results of this review.	V(C)	Specific	08/1/
40 CPS shall review/update its plan to increase the number of A-A and H students participating in, and successfully completing, higher-level courses at the H/S level (by increasing participation in existing higher-level courses offered at the schools and by increasing the number of higher-level courses offered at the schools).	V(D)	Specific	07/01/04
41 Each school year, CPS shall report (a) the number and percentage of students participating and successfully completing higher-level courses at each school, disaggregated by race/ethnicity, and (b) the title of higher-level courses offered at each H/S, indicating whether they are AP or honors classes. CPS shall contact schools reporting few or no AP/honors classes to help establish such classes.	V(D)	Annual	07/01/04
			11/1/

42	Develop an extracurricular policy to ensure students are given equitable access to extracurricular activities no matter where they attend school.	V(E)	Specific	06/01/04
43	Annually report the academic, social, sports, and other activities offered by each school, disaggregated by race/ethnicity.	V(E)	Annual	12/1/
44	CPS shall review all relevant existing policies to ensure that they are consistent with this Decree.	VII	Specific	07/01/04
45	CPS shall provide training for principals regarding the goals and requirements of the Decree.	VIII	Specific	07/01/04
46	Every principal shall provide training for his or her LSC regarding the goals and requirements of the Decree.		Specific	07/01/04
47	At least twice each school year, the Chief Exec Officer shall make a presentation to the CPS Board regarding progress on the Decree. Dates and copies of the presentation shall be given to the DOJ.	IX(B)(3)	Annual	
48	Attorneys for the DOJ and the CPS shall meet at least twice during each school year to discuss progress on the Decree.		Annual	Fall/Spring
49	Each school year, CPS shall publish for the public and provide DOJ a report card for the district and each school regarding implementation of the Decree. Report card shall include: a) student racial/ethnic profiles; b) faculty racial/ethnic profiles; c) faculty experience/NCLB "Highly Qualified"; d) compensatory-type programs; e) total school budget dollars; and f) extracurricular programs.	IX(C)(1)	Annual	Fall/Spring
50	Each school year, CPS shall report: a) the number and percentage of students, disaggregated by race/ethnicity, per school and in the CPS as a whole; b) the number and percentage of teachers, disaggregated by race/ethnicity, per school and in the CPS as a whole; and c) for each magnet school, the number and percentage of students, disaggregated by race/ethnicity, who applied, were accepted, and denied admission to the school.	IX(C)(2)	Annual	12/1/
51	CPS shall revise its ELL policy "Framework for Success" to ensure adequate PY4/5 instruction and districtwide proficiency testing.	Attach. C, ¶ 2.e	Specific	11/1/
52	CPS shall develop/implement written procedures to ensure ELL access to gifted programs.	Attach. C, ¶ 5.a.2	Specific	05/01/04
53	Train all BLT'S regarding ELL access to gifted programs.	Attach. C, ¶ 5.a.2	Specific	05/01/04
54	CPS shall develop a plan to ensure transitioning ELLs are assessed in all four language domains prior to exist and that no ELL is required to exit without meeting the CPS' transition criteria.	Attach. C, ¶ 7, a	Specific	09/01/04
				05/01/04