Meeting Date: 11/18/2015

Sponsor(s):
Waguespack (32)
Foulkes (16)
Sposato (38)
Burnett (27)
Ramirez-Rosa (35)
Munoz (22)
Arena (45)
Sawyer (6)
O'Shea (19)
Mitchell (7)
Cappleman (46)
Sadlowski Garza (10)
Santiago (31)
Villegas (36)
Moore (17)
Curtis (18)
Hairston (5)
Taliaferro (29)
Ervin (28)
Lopez (15)

Type: Resolution

Title: Call for hearings with Chicago Public Schools concerning impacts of budget cuts and their compliance with the Americans with Disabilities Act

Committee(s) Assignment: Committee on Education and Child Development

RESOLUTION

WHEREAS, under federal law the City of Chicago and the State of Illinois a legally bound by the Americans with Disabilities Act (ADA), 42 U.S.C. 126 (as amended 2008); and

WHEREAS, the recently reiterated and expanded ADA Amendments of 2008, 122 Stat. 3553(b)(1), stresses that the purpose of the ADA is to 'provid[e] "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by reinstating a broad scope of protection to be available under the ADA; and

WHEREAS, it is the legal and moral obligation of the City of Chicago and the State of Illinois to provide public education to all students regardless of a student's disability; and

WHEREAS, the Chicago Public Schools are funded by taxpayers, with 53.76% of the average taxpayer's dollars in 2014 being paid to the Chicago Board of Education; and

WHEREAS, despite taxpayers' investment in schools, recent figures show that the Chicago Board of Education has cut special education funding to Chicago Public Schools (CPS) by approximately $32 Million to date; and

WHEREAS, there has been no documentation produced by the Board of Education to illustrate the decision making process of these cuts; and

WHEREAS, these cuts cause significant harm to the educational progress and access to education of disabled students; and

WHEREAS, these cuts further cause significant emotional, financial and social costs to students and their families; and

WHEREAS, in the absence of accessible special education programs, students with disabilities go without a foundation to obtain competitive employment as an adult; and

WHEREAS, these cuts have further harmed Special Education teachers, resulting in massive layoffs of these specialized educators; and

WHEREAS, these funding cuts are likely to result in a large number of school facilities being in direct violation of the Americans with Disabilities Act, including but not limited to violation of

local maintenance of effort spending pursuant to 34 C.F.R § 300.203(d) and the Supplement Not Supplant Provision of Title II of the ESEA § 3115(g);
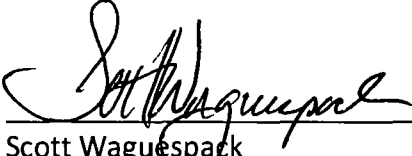
WHEREAS, these violations may give rise to liability that could cost taxpayers millions in not only penalties from the federal government, but also court-related costs upon the commencement of legal actions against Chicago Public Schools; and

WHEREAS, the recent failure and instability of leadership of the City's Board of Education has left the operations of Chicago Public Schools inconsistent and undependable; and
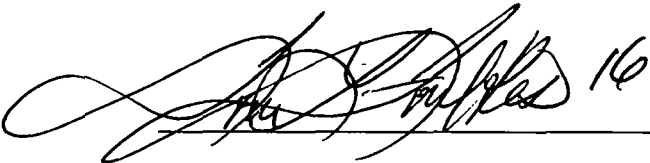
WHEREAS, the current financial health of both the Chicago Public Schools and the City of Chicago is such that risking additional monetary liability would be financially irresponsible;

NOW THEREFORE, BE IT RESOLVED that the Mayor and the members of City Council call for hearings before the Committee on Education to determine:
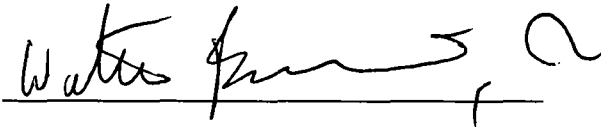   the impacts of these cuts on students, teachers and families;
    the extent to which the Chicago Public Schools are or are not in compliance with the Americans with Disabilities Act; and
    the financial, legal and social consequences that the taxpayers of Chicago may incur as a result of the budget cuts to special education.
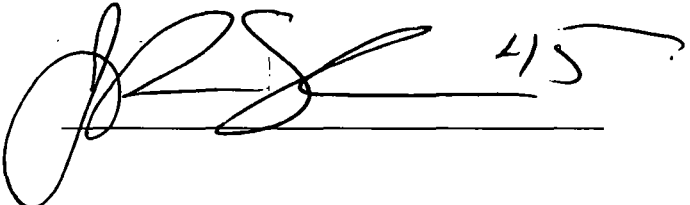
Scott Waguespack
Alderman, 32nd Ward

(signature) (6)
(signature) Matt J. D... (19)

(signature)
James Appleman 46

Juan ... (10)
(signature) (31)

(signature) 36th
(signature) 17

Daniel Carter 18
Leslie W Houston 5

C C C Te... (29)
(signature)

(signature)