



June 11, 2024

CPS vs UP: An Illogical Appellate Decision

COAL is saddened and angry to report that in one of the most illogical rulings by the Illinois Appellate Court, it reversed the circuit court's 2023 ruling in favor of Urban Prep, which we thought had ended CPS' fixation with shutting down Urban Prep.

In a well-written [decision](#), Judge Loftus ruled in 2023 that charter schools were under the same moratorium as other schools under the control of CPS and therefore CPS could not revoke its charter, as long as the moratorium was in place.

In the Appellate Court's [decision](#), posted online last Thursday, the appeals court sided with CPS, and said **the closure moratorium is included in a section of state law, Article 34, that applies only to district-run schools. A different section, Article 27A, applies to charter schools**, the order said.

But let's follow the logic of this decision by the Appellate Court:

Point 1) The language putting the moratorium in place was a part of the legislation defining the move to an elected school board. The elected school board will control all Chicago schools, just as the current appointed board does. The legislature did not see fit to include redundant elected school board language in a different section which covers details specific to charters. **In other words, the logic used by the Appellate court doesn't apply.** The language for an elected school board and everything attendant to it, which includes the moratorium, was written in the section that applies to all schools, generally.

Again, if you follow the logic of the Appellate Court, the elected school board doesn't apply to charter schools, because it is not written as a part of Article 27A, which, of course, is utterly illogical.

The legislature understood the adverse impact past school closings, indeed any school closing, can have on a community and wanted all school closings, no matter the type of school, to be placed on hold until an elected school board, more responsive to voters, was seated in January of 2025.

COAL concludes that the moratorium on school closings is tied to the transition to an elected school board and that both cover all CPS schools. It does not make logical sense that legislators would have needed to enter language for either in two different sections of legislative code.

But please, let us go further.

Point 2) If the Appellate Court wanted to understand which schools were included in the moratorium, which was put in place in 2021, why not simply ask State legislators what their intent was when they wrote the elected school board legislation with its attendant language establishing the moratorium.

Well COAL did.

COAL asked two legislators, very much engaged with the elected school board legislation, from two different districts and whose districts include areas of Chicago.

When asked which schools were included in the moratorium on school closings, one legislator simply responded with “all CPS controlled schools”. To COAL, that translates to all schools, including CPS-controlled charter schools, of which Urban Prep is one of them.

COAL had a more fulsome discussion with the second legislator who relayed that the moratorium covered schools generally that were controlled by CPS. There were no discussions of carving out any type of school from the moratorium. Further, the legislator was somewhat surprised that the courts never reached out to them to simply ask their intent.

COAL's conclusion after querying two engaged legislators is that with the move to an elected school board, legislators wanted to put a moratorium in place until said elected school board was seated and that they made no distinction in the types of schools covered other than that they were CPS-controlled, which includes schools chartered by CPS.

COAL, as many would acknowledge, demonstrates a healthy respect for the Illinois judiciary at all levels, Circuit Court, Appellate Court and the Illinois Supreme Court. **It is with full respect of the judiciary, that COAL states that the decision to reverse the well-reasoned ruling of the lower court, by the Appellate Court, is completely illogical and wanting.**

COAL asks, “how did the Appellate Court arrive at such a poor and negatively impactful reversal of the well-written circuit court decision that favored Urban Prep?”. We do not have an answer to that question.

However, COAL does implore the Illinois Supreme Court, if it comes to that, to right this illogical judicial decision by the Appellate Court and overturn its ruling.

And one important additional note regarding the Appellate Court decision:

including CPS allegations against Urban Prep in the written decision, which have nothing to do with the question of charters being included or not included in the State's moratorium on Chicago school closings, was highly inappropriate and should be stricken from the written decision, as it is well known and documented that Urban Prep refutes many of the allegations. And clearly, the CPS allegations should have had no bearing on the court's decision.

-CPS (led by Mayor Johnson's appointments) needs to end its ongoing fixation with closing down Urban Prep, a school that provides a quality high school education and educational experience for Black boys and young men.

-The Illinois Supreme Court, should it become necessary, must do its part in mitigating this attack on Black institutions of learning.

-And we, as a community, must do our part by electing school board members, in November, who are committed to providing a quality education to all Chicago children, whether in neighborhood schools, selective enrollment schools or in charter schools and particularly are committed to respecting Black-led institutions of learning, which prioritize providing the education our children deserve.

-Finally, we, as a community, must be engaged and vigilant, on an ongoing basis, in the education of our next generations. Let us start now.

