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PRESS RELEASE

Blagojevich Sued for Derailing Crucial Education Board

Last update: 12:10 p.m. EST Jan. 22, 2009

CHICAGO, Jan 22, 2009 /PRNewswire-USNewswire via COMTEX/ -- Refusal to Appoint Board Members is Undermining Effort to Adequately Fund Schools, Advocates Charge

With his impeachment trial scheduled to begin next week, Gov. Rod Blagojevich faced a new legal turmoil Thursday when education advocates sued him for incapacitating a state board responsible for helping the legislature determine school funding levels.

Lawyers for Business and Professional People for the Public Interest (BPI) Thursday asked a Cook County Circuit Court to order Blagojevich to fill two open seats on the five-member Illinois Education Advisory Board, which is required to advise the General Assembly on the minimum amount of per-pupil funding the state should allocate to education. State law obligates Blagojevich to fill EFAB vacancies, but the governor has failed to perform that duty, according to the lawsuit.

The nonpartisan EFAB board, which consists of leaders in education and business, is required to submit a recommendation on the "foundation" per-pupil school funding level to the General Assembly on January 1st of odd-number years. EFAB has not met since 2005 when it recommended \$6,405 in per-pupil funding at the state's public schools. Four years later, the state is currently allocating less than that amount, authorizing a FY 2009 foundation level of \$5,959.

"Illinois schools are under-funded even by standards that are four years old," said Hoy McConnell, BPI Executive Director. "By incapacitating EFAB, Gov. Blagojevich has frustrated the functioning of an important part of Illinois' school funding system. That's not only a dereliction of duty, but a disservice to the school children who represent this state's future workforce."

The three existing members of EFAB are currently serving terms that officially expired several years ago. No appointments to the four-year terms have been made since early 2005, and since then, there have been two resignations.

"The EFAB plays a crucial role in school funding decisions in this State," said Rep. Roger Eddy (R-Hutsonville), a member of the House Education Committee. "It brings educational expertise and independent judgment to the General Assembly. It's vitally important for the legislature to have the benefit of their thinking. EFAB's failure to meet and make recommendations puts legislators, and more importantly Illinois school children, at a major disadvantage."

Blagojevich's reluctance to appoint members to EFAB has been a recurring bane to education advocates. According to a report published in the education journal Catalyst Chicago, the Governor named members to the board in 2005 only after he was threatened with a similar lawsuit by the Mexican American Legal Defense Fund.

In late 2006, A+ Illinois, the state's leading advocate for improved school quality and funding, sent a letter to the Governor imploring him to "provide the necessary resources for the board to begin its work." More than two years later, EFAB remains moribund.

"Illinois ranks among the lowest of all 50 states in the state's share of education funding," said Jerome Stermer, President of Voice for Illinois Children. "Illinois students desperately need the voice of the Education Funding Advisory Board to help improve education in Illinois. Unfortunately, that voice has been silent."

In court documents filed in the Chancery Division of the Circuit Court of Cook County, BPI, a Chicago-based law and policy center, asks the court to issue a writ of mandamus ordering the Governor to fill all EFAB vacancies, enabling the board to convene and make a 2009 funding recommendation.

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The Illinois School Code section creating the Education Funding Advisory Board (PA90-548) explicitly requires the Governor to fill vacancies as they occur: "If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term."

BPI is represented by attorneys Thomas Geoghegan and Katie Hill.

About BPI

Founded in 1969 and considered one of Chicago's most tenacious and versatile advocates for the public interest, BPI currently works to increase affordable housing, transform public housing, and improve Chicago's public schools. BPI uses a variety of approaches in pursuit of its mission, including legal and policy research, advocacy, organizing, litigation, and collaboration with nonprofit, business, community and governmental organizations.

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