



Fair Racial Representation for Chicago's Elected School Board

We appreciate the hard work state lawmakers have undertaken to develop a district map for Chicago's forthcoming elected school board. Moreover, we appreciate the legal constraints legislators are working under to create a map that fully complies with all applicable laws.

We noted in a recent news article that the state believes it must create districts of "equal population" for Chicago's elected school board.

The [Illinois Law](#) establishing Chicago's elected school board states that "[e]ach district must be compact, contiguous, and substantially equal in population and consistent with the Illinois Voting Rights Act." The law, therefore, does not require that each Chicago elected school board district be of "equal population."

For congressional districts, the Supreme Court ruled in [Karcher v Daggett](#) that congressional districts must have as equal population as possible, unless a state can provide a good reason why they must unbalance their congressional district populations. A recent ruling in [Vieth v Jubelirer](#) ruling suggests that congressional districts should have exactly the same population, if that is possible, or as much as a one person deviation among districts.

However, state legislative districts as well as local districts, such as Chicago's elected school board districts, are required to be "substantially equal" in population – allowing them a greater degree of deviation under the Equal Protection Clause of the Fourteenth Amendment. In 1983, the Supreme Court ruled in [Brown v Thomson](#) that state legislative and local districts could vary by as much as a ten percent range. Since then, that safe harbor of no more than ten percent deviation of the most populated and least populated district has been presumptively constitutional.

The [map submitted](#) by Kids First Chicago's Parent-led Elected School Board Task Force does not have a population variance between its most populated and least populated districts of more than 10%, and therefore, would be deemed constitutional under the legal precedents established by the U.S. Supreme Court.

When Kids First Chicago developed its map, we were responding to Chicago parents' desire to have racially and ethnically diverse districts that more closely resemble CPS student demographics while still comporting with various legal requirements. This map was created prior to the establishment of the respective Illinois State Senate and House Committees that are tasked with developing prototype maps and soliciting public feedback. Our map was intended to generate a public conversation about the state process to create these maps, provide legislators with Chicago parents' perspectives on the forthcoming map, and to urge transparency in the mapmaking process.



The Illinois State legislature should listen to CPS parents who strongly prefer an elected school board that reflects their students, has shared experiences, and understands the communities they are from. The legislature can do this by enacting a map that better reflects CPS families while still adhering to the requisite legal requirements. We urge you to do so.

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