			page 3
	page 1	1	APPEARANCES CONTINUED:
	1 STATE OF ILLINOIS )	2	
	2 ) SS. COUNTY OF C O O K )	3	MR.RESPICIO VAZQUEZ, of the Law Offices of Franczek, Radelet
	3 IN THE CIRCUIT COURT OF	Ŭ	300 W. Wacker Drive, Suite 3400
	4 COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION	4	Chicago, Illinois 60606
	5 BOARD OF EDUCATION OF )		&
	6 WOODLAND COMMUNITY ) CONSOLIDATED SCHOOL ) 7 DISTRICT 50. ) Case No.	5	MS.DENEAN K.STURINO, of the Law Offices of
	) 14 CH 8573		O'Hagan, LLC
	8 Plaintiff, )	6	One East Wacker Drive, Suite 3400 Chicago, Illinois 60601
	9 VS. )	7	
	10 ILLINOIS STATE CHARTER ) SCHOOL COMMISSION and )	-	appeared on behalf of Prairie Crossing
	11 BOARD OF DIRECTORS OF ) PRAIRIE CROSSING CHARTER )	8	Charter School.
	12 SCHOOL, and ILLINOIS STATE ) BOARD OF EDUCATION, )	9	
	13 ) Defendants. )	10	
	14	11 12	
	15 The proceedings before	12	
	16	14	
	17 THE HONORABLE JUDGE THOMAS ALLEN	15	
	18 March 23, 2015	16	
		17	
		18	
	21 Reported by: Carrie A. McCann, CSR	19 20	
	22 VAHL REPORTING SERVICE, LTD (847) 244-4117	21	
	23 11 N. Skokie Highway, Suite 301 Lake Bluff, Illinois 60044	22	
	24	23	
	VAHL REPORTING SERVICE, LTD.	24	
	(847) 244-4117		
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1	The proceedings before <b>THE HONORABLE</b>		page 4
1 2	JUDGETHOMAS ALLEN, taken before Carrie A.	1	page 4
2 3	JUDGETHOMASALLEN, taken before Carrie A. McCann, CSR, a notary public within and for	1 2	page 4 THE COURT: Good afternoon.
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	page 5		page 7
1	petition for administrative review of the	1	there is nothing out there that hasn't been
2	decision of the Illinois State Charter	2	written. I mean, we know what the issues
3	School Commission vis-à-vis the Prairie	3	are. We know the chart. We know the law.
4	Charter School, Prairie Crossing. Pardon	4	You have to plug the law into the facts.
5	me. I ran out of tabs when I was reading	5	So anyhow, how about a half hour
6	the records. So there is definitely a lot	6	for Plaintiff max and then 40 minutes for
7	here.	7	remaining Defendants and all their lawyers?
8	MS. STURINO: Am I too late?	8	Is that good?
9	THE COURT: So the record is	9	MS. JANG: Yes. On behalf of
10	voluminous while at the same time being a	10	the Defendants, Judge, we are going to
11	little redundant, which most records are,	11	respond collectively. So there is no
12	right, and repetitive, some of it. But it	12	particular order. I think we will just
13	was ably presented and bound very	13	address these arguments.
14	conveniently. So I thank the parties that	14	THE COURT: All right. I
15	tendered it.	15	already wasted five minutes trying to
16	I didn't use the disk. I am not	16	figure out what to do. So let's get going.
17	high tech. So I went with paper.	17	Your turn, Mr. Petrungaro.
18	So I have the record, reviewed	18	MR. PETRUNGARO: Judge, you have
19	the record and the briefs that the parties	19	always proven yourself to be well prepared
20	submitted also. And I think that's the	20	for these hearings. So if there is no
21	preliminary observations I have to make.	21	particular area that you would like us to
22	I will certainly allow both	22	focus on, then I will address all
23	sides to argue their positions. But with	23	substantive areas of our brief.
24	as many lawyers as we have here, I think we	24	THE COURT: Actually, on second
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	page 6		page 8
1	might have to put a little time limit on	1	thought, you are right. Ms. Sturino is
2	it. I would like to be done by let's	2	probably right about the one area that you
3	back into it like by 3:20 or so, because	3	briefed, and that is the jurisdictional or
4	if all goes well and if there are no	4	standing, excuse me. For the sake of
5	surprises, I intend to make an oral ruling.	5	discussion, I think I would suggest we rest
6	I don't want to wait four months and write	6	on what I had done already on the motion to
7	something up because it would take me four	7	dismiss which we argued at length. That
8	months to write all the factual	8	would narrow the narrow our discussion.
9	recitations.	9	But you can still address it obviously. It
10	So why don't we say a half hour	10	will be, you know, wherever this thing
11	for each side? Are all the parties going	11	goes, somebody is appealing this thing. So
12	to talk or what's your battle plan? Do you	12	they can play with it in the reviewing
13	have one?	13	court as to the standing issue. Does that
		14	sound
14	MS. STURINO: Well, your Honor,		
14 15	I think if you have come to the bench today	15	MS. STURINO: Your Honor, I
15 16	I think if you have come to the bench today with respect to and prepared to make a	16	MS. STURINO: Your Honor, I think your comments are well taken. I
15 16 17	I think if you have come to the bench today with respect to and prepared to make a ruling, I think that, you know, to put a	16 17	MS. STURINO: Your Honor, I think your comments are well taken. I think we have done that already. I don't
15 16 17 18	I think if you have come to the bench today with respect to and prepared to make a ruling, I think that, you know, to put a little bit of form over substance, perhaps	16 17 18	MS. STURINO: Your Honor, I think your comments are well taken. I think we have done that already. I don't think, despite Mr. Petrungaro's statements
15 16 17 18 19	I think if you have come to the bench today with respect to and prepared to make a ruling, I think that, you know, to put a little bit of form over substance, perhaps we should go about this in a way to address	16 17 18 19	MS. STURINO: Your Honor, I think your comments are well taken. I think we have done that already. I don't think, despite Mr. Petrungaro's statements in his reply brief, I don't think that the
15 16 17 18 19 20	I think if you have come to the bench today with respect to and prepared to make a ruling, I think that, you know, to put a little bit of form over substance, perhaps we should go about this in a way to address things that concern you.	16 17 18 19 20	MS. STURINO: Your Honor, I think your comments are well taken. I think we have done that already. I don't think, despite Mr. Petrungaro's statements in his reply brief, I don't think that the defense has taken that up in full force and
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	page 9		page 11
1	footnote.	1	position that an overwhelming majority of
2	THE COURT: Right.	2	the final decision issued by the Charter
3	MS. STURINO: I think that's	3	Commission back in April of 2014 can be
4	really still a footnote and contains it	4	reviewed under a de novo basis. Much of
5	can be a footnote today in that we are not	5	the decision is based on interpretations of
6	waiving any rights with respect to that	6	law, interpretations specifically of the
7	argument.	7	Charter Schools Law.
8	THE COURT: Nothing is waived.	8	I specifically point to the
9	That's obvious, right.	9	following areas: The Commission's absolute
10	MS. STURINO: I think we can	10	failure to review the Charter School's
11	dispense with talking about that.	11	operations in light of the 2009 renewal by
12	THE COURT: Let's not discuss	12	the State Board of Education, the 2009
13	the standing today. That will be for	13	contract that had appended to it a
14	later. Go ahead.	14	memorandum from the State Board of
15	MR. PETRUNGARO: Judge, in 1999	15	Education from Superintendent Chris Koch
16	the State authorized an experiment of	16	that addressed significantly the State's
17	sorts. The State Board of Education, over	17	concerns about Prairie Crossing's
18	the objection of two local school	18	operations given that it wasn't educating
19	districts, and today we are here just on	19	anywhere near a sufficient number of
20	behalf of Woodland District 50, but	20	at-risk students. The Commission
21	authorized Prairie Crossing to exist,	21	completely missed that part in its final
22	authorized a charter school to operate in	22	decision and its renewal proceedings. It
23	Lake County, Illinois using funds from the	23	didn't admittedly it didn't evaluate the
24	local school district. There is no	24	at-risk student enrollment at the school.
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	page 10		page 12
1	legitimate dispute that those funds are	1	It also claims that its economic
1 2	legitimate dispute that those funds are anything other than funds that are owed to	1 2	
	legitimate dispute that those funds are		It also claims that its economic
2	legitimate dispute that those funds are anything other than funds that are owed to the local school district. We know this to be true because in 27A-9(f) the statute		It also claims that its economic soundness evaluation, an element of its
2 3	legitimate dispute that those funds are anything other than funds that are owed to the local school district. We know this to	2 3 4	It also claims that its economic soundness evaluation, an element of its renewal obligations, can be nothing more
2 3 4	legitimate dispute that those funds are anything other than funds that are owed to the local school district. We know this to be true because in 27A-9(f) the statute	2 3 4	It also claims that its economic soundness evaluation, an element of its renewal obligations, can be nothing more than cursory. That it need to look no
2 3 4 5	legitimate dispute that those funds are anything other than funds that are owed to the local school district. We know this to be true because in 27A-9(f) the statute specifically provides that funds otherwise	2 3 4 5	It also claims that its economic soundness evaluation, an element of its renewal obligations, can be nothing more than cursory. That it need to look no further than the bottom line solvency of
2 3 4 5 6	legitimate dispute that those funds are anything other than funds that are owed to the local school district. We know this to be true because in 27A-9(f) the statute specifically provides that funds otherwise due the district are to be paid to the	2 3 4 5 6	It also claims that its economic soundness evaluation, an element of its renewal obligations, can be nothing more than cursory. That it need to look no further than the bottom line solvency of Woodland. That it can look to no more than
2 3 4 5 6 7	legitimate dispute that those funds are anything other than funds that are owed to the local school district. We know this to be true because in 27A-9(f) the statute specifically provides that funds otherwise due the district are to be paid to the charter school. That's what gives Woodland	2 3 4 5 6 7	It also claims that its economic soundness evaluation, an element of its renewal obligations, can be nothing more than cursory. That it need to look no further than the bottom line solvency of Woodland. That it can look to no more than just the operating funds to determine that
2 3 4 5 6 7 8	legitimate dispute that those funds are anything other than funds that are owed to the local school district. We know this to be true because in 27A-9(f) the statute specifically provides that funds otherwise due the district are to be paid to the charter school. That's what gives Woodland its standing to be here today, and that's	2 3 4 5 6 7 8	It also claims that its economic soundness evaluation, an element of its renewal obligations, can be nothing more than cursory. That it need to look no further than the bottom line solvency of Woodland. That it can look to no more than just the operating funds to determine that as long as there is a positive balance in
2 3 4 5 6 7 8 9	legitimate dispute that those funds are anything other than funds that are owed to the local school district. We know this to be true because in 27A-9(f) the statute specifically provides that funds otherwise due the district are to be paid to the charter school. That's what gives Woodland its standing to be here today, and that's all I will say on the standing issue.	2 3 4 5 6 7 8 9	It also claims that its economic soundness evaluation, an element of its renewal obligations, can be nothing more than cursory. That it need to look no further than the bottom line solvency of Woodland. That it can look to no more than just the operating funds to determine that as long as there is a positive balance in those funds, then the charter school must
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1	policy. To the extent that the Court	1	the school doesn't need to place a special
2	disagrees that that is not purely a de novo	2	emphasis on educating those students. In
3	standard or de novo review, then it is	3	our brief, we provided a chart
4	nothing less than a mixed question of law,	4	demonstrating the disparity between the
5	in fact, that is, of course, to be	5	demographics of students that attend
6	determined under clearly erroneous	6	Woodland School District and the
7	standard.	7	demographics of students that attend
		-	
8	Judge, I will start with	8	Prairie Crossing. Your Honor is well aware
9	principally the enrollment of at-risk	9	of this chart.
10	students at the charter school. It is	10	Now, the Defendants challenge
11	first noteworthy that the Commission's	11	this chart as being created by Plaintiff's
12	model for review, the accountability plan,	12	counsel, not having any inherent
13	despite having all kinds of standards and	13	evidentiary reliability. I just note to
14	70 some pages of things that the Commission	14	your Honor that this chart is modeled
15	looks at or the staff looks at, that plan	15	precisely off of the same chart that was
16	does not look at the overarching principle,	16	included in State Superintendent Koch's
17	the No. 1 purpose of the Charter Schools	17	memorandum back in 2009 that was attached
18	Law. And that is whether at-risk students	18	to the Charter School Agreement, that
19	are receiving education from the charter	19	renewal agreement.
20	school.	20	The State Board of Education's
21	Now, the Commission and the	21	chart looked at the difference between
22	Defendants argue that's not what the	22	limited English proficient or, as they are
23	Charter Schools Law is for. At most, that	23	conventionally known today, ELL students,
23	policy provision or that requirement	23 24	between the two schools, the percent of low
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	nane 14		nade To
	page 14		page 16
1	encourages charter schools to educate	1	income students, the difference between
2	encourages charter schools to educate at-risk students.	2	income students, the difference between white, black, Hispanic, Asian students.
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	page 17		page 19
1	specifically that plan has to address how	1	free and reduced lunch free and reduced
2	low income and at-risk students are going	2	price lunch services that would be expected
3	to get to school. Prairie Crossing's	3	in attracting these low income and LEP
4	answer to that requirement, we will have	4	students to the extent that the LEP
5	carpooling.	5	students are similarly low income.
6	Judge, this isn't an urban	6	All of these barriers and,
7	district where kids can jump on the CTA to	7	Judge, that was a term used by a
8	get to school or any other kind of reliable	8	representative of the Commission at the
9	means of public transportation. This is a	9	time of the April 15 board meeting where
10	charter that draws students from a 60-mile	10	the Commission considered a presentation by
11	radius across two school districts. There	11	Prairie Crossing and debated and issued its
12	is no question that that transportation	12	decision all of these barriers, these
13	plan is a deterrent to at-risk students	13	policy deterrents are what stand between
14	getting to school.	14	low income and limited English proficient
15	Kids in these communities have	15	and, then to a related but perhaps lesser
16	parents if they have both parents living	16	extent, black and Hispanic students from
17	at home, they are fortunate. To the extent	17	attending the school.
18	they have single parents, you know, those	18	When read as a whole, Article
19	parents are working jobs, sometimes	19	27A of the School Code, the Charter Schools
20	multiple jobs. We are talking about low	20	Law unquestionably requires the charter
21	income families, many of whom can't even	21	school to place a special emphasis on
22	afford transportation. And the school's	22	educating at-risk students. The
23	answer to this is, oh, we will rely on	23	Defendants' response to that is, well, if
24	carpooling within the neighborhoods to get	24	you look at 27A-8(3), that provision states
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1	10	1	
1	the kids to school. When you look at the	1 2	that charter schools, and I am paraphrasing
1 2 3	the kids to school. When you look at the number and the percentage of students from		that charter schools, and I am paraphrasing here, your Honor, who do not educate a
2 3	the kids to school. When you look at the number and the percentage of students from that low income demographic that are	2	that charter schools, and I am paraphrasing here, your Honor, who do not educate a substantial portion of at-risk students
2 3 4	the kids to school. When you look at the number and the percentage of students from that low income demographic that are attending the school, it is clear that the	2 3	that charter schools, and I am paraphrasing here, your Honor, who do not educate a substantial portion of at-risk students should not be prohibited from existing.
2 3	the kids to school. When you look at the number and the percentage of students from that low income demographic that are attending the school, it is clear that the transportation plan is not working.	2 3 4	that charter schools, and I am paraphrasing here, your Honor, who do not educate a substantial portion of at-risk students should not be prohibited from existing. That single phrase when read in conjunction
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2 3 4 5 6	the kids to school. When you look at the number and the percentage of students from that low income demographic that are attending the school, it is clear that the transportation plan is not working. In this most recent renewal, despite having been warned and implored to	2 3 4 5 6	that charter schools, and I am paraphrasing here, your Honor, who do not educate a substantial portion of at-risk students should not be prohibited from existing. That single phrase when read in conjunction
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	page 21		page 23
1	percent of its students being limited	1	reauthorized by the State Board of
2	English proficient, 7 percent of its	2	Education, a condition was put in place
3	students being black, where you have those	3	that would allow the charter school to
4	kinds of numbers of at-risk students	4	modify that plan to specifically meet the
5	attending the schools, that provision	5	transportation needs of the at-risk
6	cannot stand for the principle that the	6	students. That never happened.
7	charter school can optionally determine	7	We have 15 years of data now to
8	whether it is going to serve those	8	look at to know that these kids are not
9	students. It is a mandate of the law that	9	getting to the school. And it is not a
10	that charter school place a special	10	stretch by any means of the imagination to
11	emphasis on serving those students.	11	believe that the transportation plan is a
12	Defendants point to the fact	12	substantial barrier to those kids getting
13	that enrollment at the charter school is	13	into the school.
14	subject to a lottery, a blind lottery, and	14	The Defendants take the
15	it cannot control which students are spit	15	position, well, the transportation plan
16	out on the end of that lottery so-to-speak.	16	that is required as one of the elements of
17	Now, I find this argument to be	17	a charter proposal, that's an element only
18	disingenuous for two reasons. First of	18	of the initial proposal. We don't look at
19	all, statistically speaking, I am not a	19	that at each renewal. Judge, that's
20	math guy, your Honor, but statistically	20	precisely what the Commission is charged
21	speaking this Court can look at these	21	with doing. 27A-9 requires that the
22	numbers and understand full well that this	22	Commission review whether the charter
23	isn't a matter of hundreds and hundreds of	23	school is making progress towards meeting
24	at-risk students trying to get into Prairie	24	the original elements of the first charter.
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	page 22		page 24
1	Crossing Charter School but just not making	1	Those elements don't disappear. It is not
2	it through the lottery. The fact of the	2	as though the legislature set down 15
3	matter is these kids aren't even enrolling	3	elements that every charter school must
	matter is these kids dien teven en oning	v	
4	in the lottery	1	•
4	in the lottery. Now Defendants would point to	4	include in its initial charter agreement
5	Now, Defendants would point to	5	include in its initial charter agreement only to abandon those years down the line.
5 6	Now, Defendants would point to the fact that, well, Plaintiff's counsel is	5 6	include in its initial charter agreement only to abandon those years down the line. There is no sense that can be made of that
5 6 7	Now, Defendants would point to the fact that, well, Plaintiff's counsel is making an argument that is not supported by	5 6 7	include in its initial charter agreement only to abandon those years down the line. There is no sense that can be made of that argument.
5 6 7 8	Now, Defendants would point to the fact that, well, Plaintiff's counsel is making an argument that is not supported by any direct evidence in the record. But,	5 6 7 8	include in its initial charter agreement only to abandon those years down the line. There is no sense that can be made of that argument. And certainly given that in 2009
5 6 7 8 9	Now, Defendants would point to the fact that, well, Plaintiff's counsel is making an argument that is not supported by any direct evidence in the record. But, Judge, examining the impact of all of these	5 6 7 8 9	include in its initial charter agreement only to abandon those years down the line. There is no sense that can be made of that argument. And certainly given that in 2009 the State Board of Education specifically
5 6 7 8 9 10	Now, Defendants would point to the fact that, well, Plaintiff's counsel is making an argument that is not supported by any direct evidence in the record. But, Judge, examining the impact of all of these policies makes clear that that is what is	5 6 7 8 9 10	include in its initial charter agreement only to abandon those years down the line. There is no sense that can be made of that argument. And certainly given that in 2009 the State Board of Education specifically addressed the failure of the Charter School
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Now, Defendants would point to the fact that, well, Plaintiff's counsel is making an argument that is not supported by any direct evidence in the record. But, Judge, examining the impact of all of these policies makes clear that that is what is happening or not happening in this case. In making that argument, the Defendants don't overcome the fact that there are all these other policies that deter these students from actually coming to the school despite the claimed open invitation that is given to these students through the purported outreach efforts. On the issue of the transportation plan specifically, your Honor, this is the same plan verbatim that has been in place since 2003, since four	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	include in its initial charter agreement only to abandon those years down the line. There is no sense that can be made of that argument. And certainly given that in 2009 the State Board of Education specifically addressed the failure of the Charter School to educate similar demographics and I want to make it clear, Woodland is not submitting to this Court that the demographics between the two schools need to be identical. But where you have a disparity of the magnitude that is between the charter school and Woodland, by no means is that permissible under the Charter Schools Law. The Defendants take the position that the Charter School Law does not require door-to-door transportation
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		-	
	page 25		page 27
1	require that. But it does require some	1	school has upon the local school district.
2	sort of meaningful transportation policy.	2	There was absolutely no
3	There is a lot that can be accomplished	3	communication between the Commission and
4	somewhere in the middle of not spending a	4	the local school district as to data,
5	dime on transportation which we know from	5	statistical information that would lead the
6	the record is the case when it comes to	6	Commission to make an informed decision as
7	Prairie Crossing Charter School. Not a	7	to whether the charter school is having an
8	single dime has been allocated in the	8	adverse economic impact on Woodland to the
9	school's budget for transportation.	9	extent that any positive benefits that the
10	Between that and the other extreme,	10	charter school may have been serving upon
11	door-to-door service, chauffeur service	11	the community are perhaps balanced by an
12	so-to-speak, there is a happy median that	12	equal or more negative impact on the effect
13	can be met by the charter school that can	13	of the funds that are lost from Woodland.
14	be required by the Charter Commission.	14	THE COURT: They had an expert,
15	There is a lot of room for improvement	15	didn't they?
16	there. Yet the Commission didn't find it	16	MR. PETRUNGARO: Well, Judge, I
17	necessary to include that as a particular	17	guess that would be your words or perhaps
18	condition in its renewal.	18	the Defendants' words.
19	Woodland submits to this Court	10	THE COURT: A two-page report
	and to your Honor that the transportation	20	from
20			
21	plan as designed by Prairie Crossing is a	21	MR. PETRUNGARO: A two-page
22	violation of the Charter Schools Law. And,	22	report that recognized that he was limited
23	therefore, the Commission fundamentally	23	by the Commission in the extent in which he
24	failed in determining that there was not a	24	was able to conduct his analysis and give
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			page 28
1	material violation of either the current	1	his opinion. He pointed out that the
2	material violation of either the current charter agreement or the Charter School	2	his opinion. He pointed out that the Commission thought it would just be too
2 3	material violation of either the current charter agreement or the Charter School Law.	2 3	his opinion. He pointed out that the Commission thought it would just be too expensive for him to look under the surface
2 3 4	material violation of either the current charter agreement or the Charter School Law. On the issue of the Commission's	2 3 4	his opinion. He pointed out that the Commission thought it would just be too expensive for him to look under the surface of any kinds of numbers to actually commit.
2 3 4 5	material violation of either the current charter agreement or the Charter School Law. On the issue of the Commission's failure to conduct a substantive analysis	2 3 4 5	his opinion. He pointed out that the Commission thought it would just be too expensive for him to look under the surface of any kinds of numbers to actually commit. Your Honor, I am going to
2 3 4 5 6	material violation of either the current charter agreement or the Charter School Law. On the issue of the Commission's failure to conduct a substantive analysis concerning the economic impact of the	2 3 4 5 6	his opinion. He pointed out that the Commission thought it would just be too expensive for him to look under the surface of any kinds of numbers to actually commit. Your Honor, I am going to recognize that I am for a moment stepping
2 3 4 5 6 7	material violation of either the current charter agreement or the Charter School Law. On the issue of the Commission's failure to conduct a substantive analysis concerning the economic impact of the charter school upon Woodland, your Honor,	2 3 4 5 6 7	his opinion. He pointed out that the Commission thought it would just be too expensive for him to look under the surface of any kinds of numbers to actually commit. Your Honor, I am going to recognize that I am for a moment stepping outside the record here. But had that
2 3 4 5 6 7 8	material violation of either the current charter agreement or the Charter School Law. On the issue of the Commission's failure to conduct a substantive analysis concerning the economic impact of the charter school upon Woodland, your Honor, the Commission's position is that it can	2 3 4 5 6 7 8	his opinion. He pointed out that the Commission thought it would just be too expensive for him to look under the surface of any kinds of numbers to actually commit. Your Honor, I am going to recognize that I am for a moment stepping outside the record here. But had that expert conducted or the Commission and its
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2 3 4 5 6 7 8 9 10	material violation of either the current charter agreement or the Charter School Law. On the issue of the Commission's failure to conduct a substantive analysis concerning the economic impact of the charter school upon Woodland, your Honor, the Commission's position is that it can look at the bottom line solvency of Woodland and, to a related extent, Fremont	2 3 4 5 6 7 8 9 10	his opinion. He pointed out that the Commission thought it would just be too expensive for him to look under the surface of any kinds of numbers to actually commit. Your Honor, I am going to recognize that I am for a moment stepping outside the record here. But had that expert conducted or the Commission and its employees conducted a meaningful evaluation of the finances, it would have learned from
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	page 29		page 31
1	end-all be-all of economic soundness.	1	It is not looking into a magic 8 ball or
2	Judge, the Comprehensive case	2	crystal ball to determine, well, we think
3	addresses exactly what happened here. The	3	this is what is going to happen. They
4	Supreme Court announced there is to be no	4	could have looked at hard data, but they
5	bright-line rule, there is to be no	5	chose not to. It is that absolute failure
6	consideration of economic soundness in a	6	to conduct a meaningful economic impact
7	vacuum. You can't just look at bottom	7	analysis that Woodland submits brings this
8	lines to determine solvency. You have to	8	Court's decision, at least on the issue of
9	look at things like what is the actual	9	economic impact, into the de novo range.
10	impact of the charter school on the	10	On the issue of Woodland's
11	programs at the local district.	11	claims of violations of the Administrative
12	In a case like this, your Honor,	12	Procedures Act, your Honor, Woodland rests
13	where Woodland is educating 30 percent of	13	on its brief for the position that it is a
14	its students being low income and the	14	party, at least under the eyes of the
15	charter school having less than 2 percent,	15	Administrative Procedure Act and the
16	there is an imbalance here. It can go	16	Administrative Review Law. To the extent
	without I think further explanation, this	17	it wasn't technically a party in the
17	Court can take judicial notice that at-risk	17	proceedings before the Commission, that's
18	students are more expensive to educate than	18 19	only because the Commission dropped the
19 20	the quote-unquote regular students or the	19 20	ball when it came to inviting Woodland to
	non-average students. This per capita	20 21	the party. That's because the Commission
21			
22	tuition charge, that is a convenient number	22 23	didn't provide Woodland a hearing like it should have.
23 24	that the legislature has used to determine how to fund the charter school. But it	23 24	Under the Administrative
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4	10	4	
1	does not have any logical or rational	1	Procedures Act, Section 10-25(a), in a
2	does not have any logical or rational relation to the amount of money that the	2	Procedures Act, Section 10-25(a), in a contested case a hearing, a full due
2 3	does not have any logical or rational relation to the amount of money that the school actually spends on each student.	2 3	Procedures Act, Section 10-25(a), in a contested case a hearing, a full due process hearing where there is
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	page 33		page 35
1	what was happening. Illinois law	1	wouldn't be voting in favor of this. These
2	recognizes that in any case where	2	conditions, this robust outreach program
3	discrimination is the essence of the	3	and, oh, by the way, now you have to have
4	argument.	4	an ELL policy which the law required
5	Now, in this case, your Honor,	5	anyway, they are nothing more than what
6	it is discrimination as that is prohibited	6	were passed upon by ISBE back in 2009.
7	within the scope and the boundaries of the	7	Judge Wharton's comment that this is
8	Charter Schools Law. But where there is a	8	groundhog day all over again rings
9	convincing mosaic that the charter school's	9	absolutely true.
10	policies and practices are deterring	10	In this case the experiment has
11	at-risk students from attending the school,	11	gone awry. And the party charged with
12	that is a substantive violation of the	12	being the gatekeeper, the overseer of this
13	Charter Schools Law.	13	charter school, to make sure that not only
14	This Court needs to look no	14	the kids at the charter school are getting
15	further than the Commission's actual	15	the educational benefits that they should
16	response to all of this. Even after Judge	16	receive and, Judge, Woodland does not
17	Wharton, retired Judge Wharton who sits as	17	submit that the charter school is doing a
18	a commissioner in January 2014 raised the	18	poor job of educating the kids that are
19	prospect that, hey, this charter school is	19	there. That is not part of this dispute.
20	not doing its job, it is not educating	20	By all accounts, based on the Blue Ribbons
21	at-risk students, and I can look back and	21	and other awards that the school is
22	see at 2004, 2009, the State Board raised	22	receiving and the academic progress and the
23	this and they put conditions on the Charter	23	numbers that those kids are achieving, by
24	renewal. But nothing has changed. In	24	all means those kids are being educated.
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	page 34		page 36
1	fact, the numbers got worse between 2009	1	This case is about the charter school
1 2	fact, the numbers got worse between 2009 and 2014.	1 2	This case is about the charter school choosing not to educate at-risk students,
	fact, the numbers got worse between 2009 and 2014. Judge Wharton raises this to the		This case is about the charter school choosing not to educate at-risk students, the very kids that the state legislature
2	fact, the numbers got worse between 2009 and 2014. Judge Wharton raises this to the Commission, to the rest of his commission.	2	This case is about the charter school choosing not to educate at-risk students, the very kids that the state legislature decided the Charter Schools Law was
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		r	
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1	procedures that were set in place were	1	among the Commission members. That's for
2	sufficient.	2	sure.
3	However, that is not the	3	MS. JANG: Yes.
4	standard. What Plaintiff's counsel is	4	THE COURT: I see what you are
5	seeking this Court to do is to make its	5	saying. From a legal perspective, it is
6	determination and to make an independent	6	not a contesting hearing.
7	determination of fact and reweigh the	7	MS. JANG: Right. Because of
8	evidence. That is precisely what	8	THE COURT: No
9	Plaintiff's counsel is asking this Court to	9	cross-examination, just what Mr. Petrungaro
10	do. That is not the standard. This Court	10	referred to. But I understand that. Okay.
11	is not to reweigh the evidence or	11	MS. JANG: Plaintiff's counsel
12	substitute its opinion or ruling on what	12	argues that they have been afforded all of
13	the Court thought that the Commission	13	those things because it was a contested
14	should have done based on the evidence.	14	hearing. However, it was not. They only
	The correct standard is whether		
15	or not within the five-volume	15	had the rights that the members of the
16		16	public have. They attended the public
17	administrative record there was evidence to	17	forum, community forum. They had counsel
18	support the Commission's decision. The	18	present as well as other representatives
19	Commission in a 5-to-4 decision reviewed	19	from Woodland present. They gave a written
20	substantively and discussed many of the	20	objection. They spoke on numerous
21	issues actually, all of the issues that	21	occasions at numerous public forums. So
22	Plaintiff's counsel raised.	22	they did have an opportunity to be heard as
23	The Commission staff conducted	23	a member of the public does. All of those
24	ample due diligence activities starting in	24	comments and written objection that
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1	August of 2013. The Commission staff, in	1	Woodland filed were all considered by the
2	conducting its due diligence, conducted a	2	Commission and the staff.
3	site visit using an evaluation team with	3	In addition to the community
4	independent experts. They included	4	forum, the staff also conducted further
5	classroom observations and faculty and	5	interviews at the school's of the
6	parent interviews, interviews with the	6	school's administration members. They also
7	executive director, members of the board,	7	collected additional information and data
8	the leadership team. In addition, the	8	from the charter school. They also
9	Commission staff also held a community	9	retained an expert to conduct an analysis
10	forum at the school and received comments,	10	of the school's facilities. They also
11	public comments from members of the public	11	engaged an expert to conduct an analysis of
12	which included the Plaintiff.	12	the school's finances and to perform an
13	The Plaintiff was not a party in	13	economic soundness assessment. All of
14	this proceeding. It was not a contested	14	those matters were conducted by the
15	hearing. They had the same standing and	15	Commission and the staff because of the
16	position	16	issues that the Commission found in the
17	THE COURT: That wasn't a	17	renewal application as well as the issues
18	contested hearing what I read the other	18	and comments that Plaintiff Woodland had
19	day?	19	raised.
20	MS. JANG: They had some	20	There was extensive debate, as
21	disagreement.	21	the parties and the Court has already seen
22	THE COURT: Well, in the legal	22	in the record, that has the differing
23	sense, it wasn't a contested hearing. But	23	opinions and the discussions, very detailed
	from what I read, there was some contest	24	discussions that different members of the
24	•		
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1	Commission had. There was a 5-to-4	1	charter schools provide a high quality
2	opinion. All of these issues that	2	educational program to all students on an
3	Plaintiff raises were very seriously	3	equal basis. The charter school cannot be
4	considered by the Commission and debated.	4	found to violate the Charter School Law on
5	And after a very long due diligence and	5	the sole basis that the majority of student
6	contemplated procedure, the Commission as a	6	enrolls in services are not classified as
-	whole made the decision that there were no	7	at-risk or that its demographics
7			
8	violations of the previous agreement and	8	THE COURT: I am not talking
9	that there were no violations of the	9	about majority. I am talking about 1.8
10	Charter School Law.	10	percent.
11	The Commission does have	11	MS. JANG: Right. Well, the
12	expertise and experience in dealing with	12	intent of the legislature's intent that
13	these matters. None of these issues that	13	charter schools will expand opportunities
14	Plaintiff raises were ignored. All of	14	for at-risk students through innovation,
15	these issues, including the at-risk	15	accountability, and non-inclusive,
16	students and the fact that the its	16	nondiscriminatory open enrollment policies
17	student body at the charter school is not a	17	is being complied with, your Honor. The
18	similar percentage of these students in	18	charter school, as found by the Commission,
19	Woodland	19	did not is not in violation of any
20	THE COURT: It is not even in	20	provision of the Charter Schools Law.
21	the same solar system.	21	There is a reference to the fact that in
22	MS. JANG: The Charter School	22	Section 27A-8(a)(3) that Plaintiff's
23	Act does not require.	23	counsel refer to, that section deals with
24	THE COURT: I know, I know.	24	when evaluating when the Commission
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	page 42		page 44
	page 12		page i i
1	MS. STURINO: Nor is the student	1	evaluates a charter school proposal. Right
1 2	MS. STURINO: Nor is the student	1 2	
			evaluates a charter school proposal. Right now we are dealing with a renewal. It says
2	MS. STURINO: Nor is the student enrollment in the same solar system, right? THE COURT: I know. I know what	2	evaluates a charter school proposal. Right now we are dealing with a renewal. It says Commission shall give preference to
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	page 45		page 47
1	challenge and go into the specifics of what	1	not the only thing.
		-	, .
2	he would like the plans to dictate or not	2	There are parent volunteers who
3	dictate. However, the requirement under	3	are also willing to pick up a child if a
4	the Charter Schools Law is whether they	4	child needs to go and be picked up to
5	have the the charter school has a	5	attend the school. If not, part of the
6	sufficient policy in place. And the	6	plan is also for the charter school to pay
7	Commission defined that the school does	7	to pick up someone, a child if he needs
8	have these policies in place.	8	if he needs transportation. And if the
9	THE COURT: Okay. Mr. Vazquez?	9	numbers are big enough, there is a plan for
10	Who is speaking next, Mr. Vazquez?	10	the bus transportation due to be utilized
11	MR. VAZQUEZ: Sure. Yes, your	11	if the need is there for the child.
12	Honor. Thank you.	12	THE COURT: Let me ask you a
13	Your Honor, I do want to	13	question on that, Mr. Vazquez. I recognize
14	highlight some points. I am not going to	14	that. I saw that in the record. And I
15	be repetitive, I hope.	15	searched through every volume high and low
16	I know there is this emphasis on	16	looking for a line item showing one nickel
17	27A-2(b)(2) regarding to increase learning	17	from 1999 to 2014 that is spent on the
18	opportunities for all pupils with special	18	transportation program. Is there one
19	emphasis on expanded learning experiences	19	there?
20	for at-risk pupils. But it doesn't stop	20	MR. VAZQUEZ: Your Honor, it is
21	there, your Honor. The language keeps	21	not broken out by transportation. If that
22	reading, consistent, however, with an equal	22	is what you are looking for
23	commitment to increase learning	23	THE COURT: Not even a cab ride,
24	opportunities for all other groups of	24	not one receipt for a cab ride.
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	(847) 244-4117		(847) 244-4117
	page 46		page 48
1	pupils in a manner that does not	1	MR. VAZQUEZ: Your Honor
1 2		1 2	
	pupils in a manner that does not		MR. VAZQUEZ: Your Honor
2	pupils in a manner that does not discriminate on the basis of disability,	2	MR. VAZQUEZ: Your Honor THE COURT: And the board or the
2 3	pupils in a manner that does not discriminate on the basis of disability, race, creed, color, gender, national	2 3	MR. VAZQUEZ: Your Honor THE COURT: And the board or the school talks in their policy about just the
2 3 4	pupils in a manner that does not discriminate on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status,	2 3 4	MR. VAZQUEZ: Your Honor THE COURT: And the board or the school talks in their policy about just the things you recited. I am all on board with
2 3 4 5	pupils in a manner that does not discriminate on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, or the need for special education services,	2 3 4 5	MR. VAZQUEZ: Your Honor THE COURT: And the board or the school talks in their policy about just the things you recited. I am all on board with that. I searched high and low in the
2 3 4 5 6	pupils in a manner that does not discriminate on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, or the need for special education services, your Honor. What I want to emphasize, your	2 3 4 5 6	MR. VAZQUEZ: Your Honor THE COURT: And the board or the school talks in their policy about just the things you recited. I am all on board with that. I searched high and low in the record. I found zero, not one nickel in
2 3 4 5 6 7	pupils in a manner that does not discriminate on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, or the need for special education services, your Honor.	2 3 4 5 6 7	MR. VAZQUEZ: Your Honor THE COURT: And the board or the school talks in their policy about just the things you recited. I am all on board with that. I searched high and low in the record. I found zero, not one nickel in this record over 14 years has been spent on
2 3 4 5 6 7 8	pupils in a manner that does not discriminate on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, or the need for special education services, your Honor. What I want to emphasize, your Honor, is I heard counsel so many times	2 3 4 5 6 7 8	MR. VAZQUEZ: Your Honor THE COURT: And the board or the school talks in their policy about just the things you recited. I am all on board with that. I searched high and low in the record. I found zero, not one nickel in this record over 14 years has been spent on transporting anybody by the charter school.
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page 49 1 MS. STURINO: There is a lot 1 Johnny	page 51
2 there is a lot of areas in corporate 2 MS. STURINO: wo	uld vou
3 America, in family household budgets where 3 expect there to be a receipt?	ala you
4 money is spent or things are volunteered or 4 THE COURT: All the r	moms and the
<ul> <li>5 your neighbor provides you sugar when you</li> <li>5 dads are driving the kids around</li> </ul>	
6 need to bake some cookies that is a 6 MS. STURINO: Well,	
7 volunteered item that doesn't make it into 7 volunteerism is.	
8 budgetary constraint. The plan is in place 8 MR. VAZQUEZ: Your	Honor, if I
9 that your Honor has read about is one based 9 may add, there have been occas	
10 in the volunteer works of parents of the 10 in which they have paid for a tax	
11 school. 11 transport the kids.	
12 THE COURT: I see nothing 12 THE COURT: I under	stand. It is
13 MS. STURINO: But if you can 13 not in the record.	
14 receive 14 MR. VAZQUEZ: Your	Honor, it
15 THE COURT: I see nothing in the 15 wasn't an issue. I mean, it was	•
16 record 16 THE COURT: It is not	
17 MS. STURINO: Yes. 17 MR. VAZQUEZ: Let m	ne explain.
18 THE COURT: that shows the 18 It wasn't an issue that we had to	
<b>19</b> execution of this plan that is on paper in <b>19</b> transportation line item	
20 2003 and remains on paper and has never 20 THE COURT: If you a	ire trying to
21 been amended or changed or anything. I see 21 prove your case and you are un	der fire and
22 nothing. Here is transportation plan. 22 the whole Commission is asking	you
23 (Indicating).23 questions about your transporta	ition
24 MS. STURINO: Why would there 24 program, it is not an issue? I w	ould bring
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page 50	page 52
1 be 1 a little ammo. I bring a gun to a	
2 THE COURT: Excuse me. December 2 gunfight. I wouldn't come with	,
<ul> <li>3 15, 2003, that's your transportation plan.</li> <li>4 I see nothing. I mean, just talking</li> <li>3 hands. I would bring something</li> <li>4 are trying to prove a case, if we</li> </ul>	
<ul> <li>5 talk is cheap, okay? Talk is cheap.</li> <li>6 MS. STURINO: I agree.</li> <li>5 lawyers and you have to prove you have to prove</li></ul>	
6 MS. STURINO: I agree. 7 THE COURT: Numbers don't lie. 6 a courtroom to a jury or judge of 7 something, bring them something	
8 MS. STURINO: Right. 8 sit here and go, don't worry. W	0
9 THE COURT: Zero, not a penny 9 down in '03, December 15. We	
10 has been spent on transportation. How can 10 Transportation is covered.	
11MR. VAZQUEZ: But,	vour Honor
12 MR. VAZQUEZ: Your Honor 12 there has been no evidence in the	-
13 THE COURT: a firm conviction 13 that no child hasn't been transp	
14 that a mistake has been committed, how can 14 how are you going to assume the	
<b>15</b> someone say that you have got a <b>15</b> aren't being transported or they	
16 transportation plan and that a live, 16 objecting or not getting to school	
17 breathing person with 2 cents in their head 17 THE COURT: All right	
18 is going to listen to that and see their 18 give you something in the record	d, okay?
19 plan on paper and then look for a receipt 19 This is Exhibit 17, Volume 4, con	•
20 for 14 years and there is nothing? 20 received after PCCS renewal cor	
21 Nothing.21 forum. I found this, this E-mail	that was
22 MS. STURINO: What if there is 22 sent to the Commission. It is pa	art of the
23 no cost incurred?23 record. It is at Page, of the record	-
24THE COURT: Oh, okay. So I241000. Written by a parent who	
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(847) 244-4117 (847) 244-4117 13 of 44 sheets Page 49 to 52 of 115	03/26/2015 10:08:16 A

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	page 53		page 55
1	school advocate. The name is deleted and	1	do not reflect the diversity of our host
2	redacted, which it should be.	2	districts.
3	"I lobby for charter schools	3	Many of our families have access
4	both on Capital Hill and in Springfield. I	4	to private preschools, private sports
5	have seen how charter schools can change	5	teams, tutors and other private academic
6	lives in cities where the traditional	6	enrichment because of our exclusive
7	public school system has struggled. I	7	demographics."
8	believe in public charter schools because	8	Now, I am reading this to you
9	they work.	9	because it talks about transportation.
10	We say that we are a public	10	There is a parent and it is in the record
11	school of choice," referring to Prairie.	11	and there is somebody that has the good
12	"I would respectfully disagree with this	12	fortune to be able to do it. And she
13	statement. To me, a public school of	13	alludes to the obvious, that the low income
14	choice is one that is available to any and	14	bracket probably can't do it.
15	all eligible students in the host districts	15	MR. VAZQUEZ: Your Honor?
16	regardless of race, ethnic background,	16	THE COURT: So just because you
			have a piece of paper that says
17 18	income level, household status, and geographic location within the districts.	17	transportation and you got nothing to back
	This is not true at PCCS.	18	
19	PCCS does not offer	19	it up but words, and that's all it is is
20		20	words, nothing in the record. We all know
21	transportation. Consequently, students	21	I have to rely on the record. I am looking
22	whose families do not live within walking	22	in the record. I don't see anything.
23	distance or whose parents cannot arrange	23	MR. VAZQUEZ: You are looking at
24	for them to be driven to school cannot	24	one E-mail, your Honor, that alludes to the
	VAHL REPORTING SERVICE, LTD. (847) 244-4117		VAHL REPORTING SERVICE, LTD. (847) 244-4117
	page 54		page 56
4			
1	attend this public school.	1	fact. That parent is not claiming that
2	attend this public school. Our family lives in the middle	2	fact. That parent is not claiming that they are not being able to get their child
2 3	attend this public school. Our family lives in the middle of the Fremont district, an average	2 3	fact. That parent is not claiming that they are not being able to get their child into or to, back and forth to Prairie
2 3 4	attend this public school. Our family lives in the middle of the Fremont district, an average 20-minute drive from the school. To drive	2 3 4	fact. That parent is not claiming that they are not being able to get their child into or to, back and forth to Prairie Crossing Charter School.
2 3 4 5	attend this public school. Our family lives in the middle of the Fremont district, an average 20-minute drive from the school. To drive my son to school daily is 40 minutes	2 3 4 5	fact. That parent is not claiming that they are not being able to get their child into or to, back and forth to Prairie Crossing Charter School. THE COURT: No, you are right.
2 3 4 5 6	attend this public school. Our family lives in the middle of the Fremont district, an average 20-minute drive from the school. To drive my son to school daily is 40 minutes roundtrip on the road and about 30 minutes	2 3 4 5 6	fact. That parent is not claiming that they are not being able to get their child into or to, back and forth to Prairie Crossing Charter School. THE COURT: No, you are right. MR. VAZQUEZ: And the Commission
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	page 57		page 59
1	Prairie Crossing Charter School. However,	1	opening brief as well as his reply brief,
2	there is no evidence that the charter	2	has made it a point to say that the review
3	school was not educating its ELL students.	3	of this issue is really about a violation.
4	The ELL program is what is being	4	And if that is the row that is hoed by the
5	used at the charter school to educate those	5	Plaintiff in this case, we should consider
6	kids. Counsel is just assuming that	6	what a violation is.
7	because we didn't have an ELL policy at the	7	And a violation, when it comes
8	time, that we were not educating ELL	8	to the law and it comes to the four corners
9	students. And that was not the case, and	9	of what law is, a violation is a mandate.
10	there was no evidence in the record that	10	A violation is something that is provided
11	our ELL students were not being educated.	11	in a statutory scheme up that gives
12	Your Honor, regarding the	12	everyone clear notice of what you cannot
13	financials, counsel referred to the fact	13	do. A violation is also something in a
14	that there was no financial information or	14	contract that gives you clear notice of
14	data that was submitted. I would like to		<b>-</b> <i>i</i>
		15 16	something which you cannot do. A violation is a mandate.
16	call your attention to on the Commission's		There is nowhere in this Charter
17	decision, they did, by the way, receive	17	
18	Woodland's objections and its statement or	18	School Law that provides for a mandate on
19	data, whatever they were using to argue	19	the sufficiency of a program which is what
20	about the economics and the impact to their	20	Plaintiff, in essence, is arguing Prairie
21	district. However, I would like to call	21	Crossing falls short. So when we talk
22	your attention to Page 12 of the	22	about violation, as Plaintiff has suggested
23	Commission's decision in which the data	23	that we do and perhaps is what we should
24	that is available on the Illinois State	24	do, there has to be due process
	VAHL REPORTING SERVICE, LTD.		VAHL REPORTING SERVICE, LTD.
	(847) 244-4117		(847) 244-4117
	nade 58		
	page 58		page 60
1	Board of Education's website is the	1	consideration to the State, to the
2	Board of Education's website is the financial information that ISBE receives	2	consideration to the State, to the Commission, and to the school. And the due
2 3	Board of Education's website is the financial information that ISBE receives and designates to all school districts. It	2 3	consideration to the State, to the Commission, and to the school. And the due process right is if you are going to find a
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	page 61		page 63
1	these topics is that you, Prairie Crossing,	1	MS. STURINO: No, no, it
2	need to have an outreach program. Check,	2	····· ···· ···· ···· ··· ··· · · · · ·
3	that was done. A violation is a yes or no.	3	wanted a bright-line percentage basis for
4	Check, that was done. You need to have an	4	students to be educated in our at-risk
5	ELL policy, or you have to have the ability	5	category, they would have provided that
6	to serve ELL students in your district.	6	percentage.
7	Check, that was done. You have to also	7	THE COURT: Who made
8	provide information to the Commission so	8	MS. STURINO: They would have
9	that the people who are specifically	9	provided the word "the" instead of "a."
10	trained in the area of education, who are	10	THE COURT: Who determines what
11	specifically educated in the administration	11	constitutes the appropriate number for
12	of education can take all of this	12	special emphasis?
13	information and synthesize it, not through	13	MS. STURINO: There is none.
14	briefing, not through the black and white	14	THE COURT: There is none. So
15	record that your Honor has been tendered,	15	they get a get out of jail free card all
16	but through living that experience and	16	day long.
17	having the constant association with this	17	MS. STURINO: Until Woodland
18	law to make the determination of whether or	18	seeks permission from the legislature to
19	not there is a violation. In this case	19	have a mandate, until Woodland seeks
20	there is no evidence that there is a	20	permission
21	violation.	21	THE COURT: Why are we bothered
22	What Plaintiff wants to suggest	22	with this law?
23	is that the programs were built from	23	MS. STURINO: lottery
24	drywall, but the programs should have been	24	provision
	VAHL REPORTING SERVICE, LTD.		VAHL REPORTING SERVICE, LTD.
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	page 62		page 64
	huilt of briels. They are not honey with		THE COUDT, Ma Studing bagad
1	built of brick. They are not happy with	1	THE COURT: Ms. Sturino, based
2	what the program details are. But the	2	on your argument, we don't need this
2 3	what the program details are. But the program details are not what is at issue.	2 3	on your argument, we don't need this stinking law.
2 3 4	what the program details are. But the program details are not what is at issue. His issue is whether or not the school	2 3 4	on your argument, we don't need this stinking law. MS. STURINO: That's not true.
2 3 4 5	what the program details are. But the program details are not what is at issue. His issue is whether or not the school complied with the law as it is written, not	2 3 4 5	on your argument, we don't need this stinking law. MS. STURINO: That's not true. THE COURT: Sure, it is
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	page 69		page 71
1	responds. "Representative Brunsvold, the	1	that are designed to enroll and serve a
	legislation says that there have to be a	2	substantial proportion of at-risk children.
2	substantial number of at-risk students	2	MS. STURINO: But that is
3		-	
4	served by a charter school. Now, the bill	4	taken you take that out of context, your
5	does not actually define what substantial	5	Honor. The preference between two
6	means. But I would suppose that not only	6	competing charters that want to fill the
7	those people at the local level who are	7	same district, the preference is given to
8	holding the public hearings and going	8	the charter that suggests that that is
9	through all the other processes of	9	where their emphasis is going to be.
10	developing the proposal would realize	10 11	THE COURT: Okay. So if two charters
11	significant means just what it says, and certainly the State Board of Education		MS. STURINO: We don't have the
12	would take that into account when it came	12	
13		13	situation here. It is not applicable in
14	to the point of trying to determine which	14	this particular renewal. What is applicable in this
15	charter, which charter proposals to grant."	15	••
16	Then State Representative	16	renewal and what you recognize from looking at the legislative intent and what we all
17	Brunsvold responds, "So what you are	17	went to law school to learn is that what
18	saying, when they submit their request for	18	
19	a charter school, they are to put in that proposal the at-risk children that they	19 20	happens at the end of the day with legislature is that after all the debate,
20	would like to include in there for	20	is when the law is passed that is based
21	approval."		upon what can be agreed upon. And what can
22 23	The Representative Cowlishaw	22 23	be agreed upon in this particular statute
23 24	responds: "Representative Brunsvold, that	23 24	is the percentage number that is required.
24	VAHL REPORTING SERVICE, LTD.	24	VAHL REPORTING SERVICE, LTD.
	(847) 244-4117		(847) 244-4117
			page 72
	page 70		
1	page 70 is one of the requirements that has to be	1	That it has to be substantial. That it has
1		1 2	
	is one of the requirements that has to be	-	That it has to be substantial. That it has
2	is one of the requirements that has to be in their proposal. They not only have to	2	That it has to be substantial. That it has to be the one and only thing that charter
2 3	is one of the requirements that has to be in their proposal. They not only have to let the State Board know which group or the	2 3	That it has to be substantial. That it has to be the one and only thing that charter schools have to be designated to serve.
2 3 4	is one of the requirements that has to be in their proposal. They not only have to let the State Board know which group or the number of at-risk students they intend to	2 3	That it has to be substantial. That it has to be the one and only thing that charter schools have to be designated to serve. Otherwise, we wouldn't have those other
2 3 4 5	is one of the requirements that has to be in their proposal. They not only have to let the State Board know which group or the number of at-risk students they intend to serve, they also have to have a specific	2 3 4 5	That it has to be substantial. That it has to be the one and only thing that charter schools have to be designated to serve. Otherwise, we wouldn't have those other nine categories of a purpose of a charter
2 3 4 5 6	is one of the requirements that has to be in their proposal. They not only have to let the State Board know which group or the number of at-risk students they intend to serve, they also have to have a specific part of that proposal saying how they are	2 3 4 5 6	That it has to be substantial. That it has to be the one and only thing that charter schools have to be designated to serve. Otherwise, we wouldn't have those other nine categories of a purpose of a charter school.
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		1	
	page 73		page 75
1	further. I will rest at this point.	1	decision was wrong and, if so, it produced
2	THE COURT: Most of it was	2	the result of closing Prairie Crossing
3	included this time and last time. So I	3	Charter School. In some sense, that is
4	appreciate and respect that we have kind of	4	extraordinary relief, and Woodland
5	touched on everything. I will give you	5	recognizes that.
6	like five minutes to wrap up.	6	Woodland also recognizes that it
7	MR. PETRUNGARO: Judge, the	7	is more than capable of serving the
8	argument that the Court is somehow	8	interests of the students that attend
9	restrained from considering legislative	9	Prairie Crossing that also reside within
10	debate, the only rule that really matters	10	its school district. These kids would have
11	in statutory construction is to interpret	11	an education. They would have an excellent
12	legislative intent. There is an abundance	12	education at Woodland. And Woodland is
	of case law from the Supreme Court that	12	confident that if the Court rules in its
13	•		
14	says even where the plain language of the	14	favor, there would not be some sort of
15	statute is clear but it produces an absurd	15	derivative harm that is of any kind of
16	result, Courts are allowed to ignore that	16	calculation to these students.
17	plain language and give meaning to the	17	I will rest with that.
18	actual intent.	18	THE COURT: Okay. Well, one
19	So your Honor is absolutely	19	thing I will say is and I agree with
20	correct in relying on those legislative	20	Mr. Petrungaro's last statement, that this
21	debates. And unless there is additional	21	case is extraordinary, and the relief being
22	debate that counters what your Honor has	22	requested is extraordinary, and the
23	read in open court, that is an absolute	23	presentation to the Commission which was
24	correct interpretation of the statute.	24	the what, successor to Illinois State Board
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	page 74		page 76
1	I will also note that	1	of Education, that presentation was
		-	· •
2	Ms. Sturino or maybe Mr. Vazquez, one of	2	extraordinary.
2 3	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8		extraordinary. It is a case of first
	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8 being given only amongst competing charter	2	extraordinary. It is a case of first impression. And why are we in chancery?
3	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8 being given only amongst competing charter proposals, that is not stated in the law.	2 3	extraordinary. It is a case of first impression. And why are we in chancery? No wonder. It is extraordinary. Everyone
3 4	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8 being given only amongst competing charter proposals, that is not stated in the law. It is preference that is to be given by the	2 3 4	extraordinary. It is a case of first impression. And why are we in chancery? No wonder. It is extraordinary. Everyone calls it extraordinary.
3 4 5	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8 being given only amongst competing charter proposals, that is not stated in the law. It is preference that is to be given by the Commission or previously the State Board of	2 3 4 5	extraordinary. It is a case of first impression. And why are we in chancery? No wonder. It is extraordinary. Everyone calls it extraordinary. So I have to try to wade through
3 4 5 6	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8 being given only amongst competing charter proposals, that is not stated in the law. It is preference that is to be given by the Commission or previously the State Board of Education to a proposal. It says nothing	2 3 4 5 6	extraordinary. It is a case of first impression. And why are we in chancery? No wonder. It is extraordinary. Everyone calls it extraordinary. So I have to try to wade through this extraordinary set of circumstances and
3 4 5 6 7	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8 being given only amongst competing charter proposals, that is not stated in the law. It is preference that is to be given by the Commission or previously the State Board of Education to a proposal. It says nothing about competing proposals. So I believe	2 3 4 5 6 7	extraordinary. It is a case of first impression. And why are we in chancery? No wonder. It is extraordinary. Everyone calls it extraordinary. So I have to try to wade through this extraordinary set of circumstances and facts. And I have to go and match up the
3 4 5 6 7 8	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8 being given only amongst competing charter proposals, that is not stated in the law. It is preference that is to be given by the Commission or previously the State Board of Education to a proposal. It says nothing about competing proposals. So I believe that that's taken out of context.	2 3 4 5 6 7 8	extraordinary. It is a case of first impression. And why are we in chancery? No wonder. It is extraordinary. Everyone calls it extraordinary. So I have to try to wade through this extraordinary set of circumstances and facts. And I have to go and match up the law with the facts and the facts that exist
3 4 5 6 7 8 9 10 11	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8 being given only amongst competing charter proposals, that is not stated in the law. It is preference that is to be given by the Commission or previously the State Board of Education to a proposal. It says nothing about competing proposals. So I believe that that's taken out of context. MS. JANG: Respectfully, reading	2 3 4 5 6 7 8 9 10 11	extraordinary. It is a case of first impression. And why are we in chancery? No wonder. It is extraordinary. Everyone calls it extraordinary. So I have to try to wade through this extraordinary set of circumstances and facts. And I have to go and match up the law with the facts and the facts that exist in the record and, also, with the further
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Ms. Sturino or maybe Mr. Vazquez, one of their comments about preference in 27A-8 being given only amongst competing charter proposals, that is not stated in the law. It is preference that is to be given by the Commission or previously the State Board of Education to a proposal. It says nothing about competing proposals. So I believe that that's taken out of context. MS. JANG: Respectfully, reading the expressed language of 27A-8(a)(3) it says, in evaluating any charter school proposal submitted to it, and it continues, the Charter shall give preference to proposals THE COURT: All right. We are not going to play Ping-Pong here. Let him wrap up without adding anything else. Thanks. MR. PETRUNGARO: Your Honor, lastly, I will just state that the ultimate issue to be decided by this Court, of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	extraordinary. It is a case of first impression. And why are we in chancery? No wonder. It is extraordinary. Everyone calls it extraordinary. So I have to try to wade through this extraordinary set of circumstances and facts. And I have to go and match up the law with the facts and the facts that exist in the record and, also, with the further limitation of reviewing courts and the Chancery Division reviewing administrative decisions that in many sense their hands are tied. You have all alluded to the standards. You know, is it a de novo review? If it is a mixed question of fact and law, the standard is that the administrative agency's decision must be clearly erroneous. I think that's what we have here is a mixed question of fact and law. Fact being what was presented to the

		1	
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1	School Law.	1	passed in 1996, April of '96. So I would
2	You know, I have a vivid	2	surmise that the Prairie Charter School was
3	recollection of the last time we were here	3	probably one of the earlier charter schools
4	arguing the motion to dismiss and also	4	in the State of Illinois.
5	wading through some pretty voluminous	5	So they were authorized in 1999
6	material and difficult issues of law. I	6	for five years, and then in 2004 authorized
7	said back then that this case comes down to	7	again for another five years. In 2009,
8	this chart of the enrollment numbers. And	8	authorized again for another five years.
9	little did I know that sitting here today	9	In 2014, authorized again. That matter is
10	five months later I am kind of left with	10	here now before me. Now what I want to do
11	the same feeling.	11	is talk about this record.
12	Now, let me say something about	12	The Charter School Agreement
13	the statute because I remember when we were	13	that I am looking at in Exhibit 1 just as a
14	here before talking about the statute. And	14	note, Page 1, effective July 1, 2014, this
15	the statute created the charter school	15	is the agreement. And right in the
16	concept. As you can As I would have	16	preamble, the recitals, front page of the
17	guessed even before I looked at some of the	17 18	Charter School Agreement talks about the Charter School Law was enacted for the
18 19	legislative debate on it, a charter school concept was likely created or enacted by	18	following purposes, and it lists the
20	the legislators to help kids that weren't	20	statutory reference language. No. 2 is "to
20	doing too good in school and needed better	20	increase learning opportunities for all
22	progress, better environment, better	22	pupils with special emphasis on expanded
23	whatever you call it. And the term at-risk	23	learning experiences for at-risk pupils."
24	children or at-risk pupil is the first	24	This 2014 contract that was
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1	definition under 27A-3 in the Charter	1	entered into had renewal conditions. We
2	School Law.	2	all know about that. There were two
3	It reads as follows: At-risk	3	conditions, that Prairie Charter School
4	pupil means a pupil who because of	4	must develop a detailed plan for robust
5	physical, emotional, socioeconomic or	5	outreach for the educationally
6	cultural factors is less likely to succeed	6	disadvantaged on or before May 31, 2014.
7	in a conventional educational environment.	7	And then the second condition was something
8	I am not going to go through the	8	about the management, which I didn't think
9	whole Charter School Law, but I still have	9	was necessarily pertinent or critical to
10	my notes from the last time. And the term	10	our discussion.
11	at-risk children or pupil appeared six	11	I will tell you as I plotted
12	times in the legislation, six times. And	12	through this with the charts and the data,
13	that debate portion that I read to you	13	one thing was certain to me. That is,
14	underscores the concern of the legislators. It is in there. So that's the law. That's	14	there is a dizzying amount of analysis,
15	the background. That's what the law says.	15	testing, evaluation, proposals,
16 17	Now, how does that law plug into	16 17	philosophies, standards, you name it. Now I know why the discussion exists out there
18	these facts? So the legislators envisioned	18	about all the mandates on education and
19	these charter schools to kind of hold the	19	what they are up to. And I didn't know if
20	at-risk children, and not just them, but	20	I found it very helpful, I will tell you.
20	emphasis on them, up by their bootstraps in	20	I don't see how the board could have found
22	trying to give them a better opportunity.	22	it very helpful because it tells a story
23	And in 1999 the Prairie Charter School was	23	that, plain and simple, yes, this school is
24	authorized the first time. The Act was	24	off the charts. Yes, this is an excellent
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1	school. Yes, the academics are 95, 93, 94	1	really a, I will use my words, maybe
2	percent. Yes, yes, yes to all of those. I	2	evenhanded or level playing field. I read
3	mean, it could have been put on one page.	3	it.
4	That really wasn't our issue. Our issue is	4	And the first witness was I
5	not that. Everybody knows that. And so it	5	was trying to figure out is there an
6	took me a while to wade through all that.	6	advocate. Is this an advocacy hearing? Is
7	The elephant in the room is who	7	this just a fact hearing, or is someone
8	is in that group that is hitting home runs	8	is it an adversarial hearing? After I read
9	and hitting the ball out of the park at the	9	it, I concluded that it was this is not
10	Prairie Crossing Charter School which is a	10	going to play into my decision. But to me,
11	charter school that is authorized by the	11	it was I am trying to choose my words
12	State, given money by the State, and	12	carefully it was very well lopsided, let
13	educates a portion of the kids in that	13	me put it that way, orchestrated. It seems
14	School District.	14	to me that the Commission did most of the
15	On the decision by the Board	15	homework for Prairie Charter School. I
16	I mean, another thing is they create all	16	would have thought it would be the other
17	these analytical standards and	17	way around. If the charter school is
18	accountabilities. And that's all in there	18	trying to get re-upped, I know they
19	too, academic domain, the financial domain,	19	presented a big plan and all that. But the
20	the organizational domain. And this whole	20	first witness was Karen Washington. She is
21	case is about the people that aren't in	21	the staff I am sorry deputy director.
22	that school. That's what this case is	22	Just to give me a little flavor,
23	about. And how is that fact, see if I can	23	she talks about, on Page 3, that the school
24	get this word right, juxtapositioned	24	is doing well. Their financials are good.
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1	against the State statute that created the	1	Their scores are good. But the staff
2	charter school world. And you think that	2	received a few questions regarding Prairie
3	if you brought an enrollment chart like	3	Crossing's demographics and their outreach.
4	this to the legislators, either past,	4	Therefore, staff revisited these items with
5	present, or future, the enrollment chart	5	Prairie Crossing. So we asked, how does
6	with the numbers that we know exist here,	6	Prairie Crossing Charter School do in terms
7	1.8 percent low income students at the	7	of educating educationally disadvantaged
8	charter school versus 30 percent	8	children? What were the details of Prairie
9		-	
	district-wide, if you brought that to the	9	
	district-wide, if you brought that to the legislators, you think that's what they	9 10	Crossing's outreach and is Prairie Crossing
10	legislators, you think that's what they	10	Crossing's outreach and is Prairie Crossing Charter School willing to do more in this
10 11	legislators, you think that's what they envisioned when they passed the enabling	10 11	Crossing's outreach and is Prairie Crossing Charter School willing to do more in this area? And their answer was a resounding
10	legislators, you think that's what they envisioned when they passed the enabling statute to create charter schools?	10	Crossing's outreach and is Prairie Crossing Charter School willing to do more in this area? And their answer was a resounding yes.
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		1	
	page 85		page 87
1	only to certain categories, referring to	1	will allocate resources and assist in the
2	Woodland, in that district, nonetheless,	2	efforts of reaching a wide range of
3	the staff raised these differences with	3	prospective staff and students for
4	Prairie Crossing and asked that the	4	inclusion at PCCS.
5	school asked that the school, whether it	5	What is this? Is that anything
6	was willing to reevaluate its outreach plan	6	concrete? Is that anything other than what
7	to date and do more. Prairie Crossing	7	is in this record from 1999 to 2014? I
8	agreed to do more, responding with	8	don't see how it is. Okay, so that's
9	professionalism, genuine openness, and	9	Now Ms. Washington calls the
10	substantive thoughtfulness.	10	attention of the Commission to this. Don't
11	These are a couple of the	11	worry. Now they have seen the light. Now
12	examples. On February 25, the Board	12	they are going to do a resolution.
13	unanimously adopted a board resolution to	13	Continuing with Ms. Washington's
14	increase opportunities for educationally	14	testimony, in March of 2014, Prairie
15	disadvantaged students by increasing	15	Crossing Charter School also submitted a
16	outreach efforts, adding the goal to the	16	preliminary plan that included the
17	strategic plan and devoting staff as well	17	following, lottery alterations. They are
18	as allocating resources to the goal.	18	considering these they are focusing on
19	Is that the biggest bunch of		the possibility of lottery alterations.
		19	They were considering their transportation
20	gobbledygook you ever heard? So let me now	20	
21	track that resolution that Ms. Washington refers to.	21	system, possible increased partnership as well as an evaluation of their current
22		22	
23	So the Board ran back when the	23	outreach plan.
24	heat was on, the Prairie Crossing Board VAHL REPORTING SERVICE, LTD.	24	So Ms. Washington presented this VAHL REPORTING SERVICE, LTD.
	(847) 244-4117		(847) 244-4117
	(847) 244-4117 page 86		
			page 88
1	that is. This is at the record 518, Page	1	to the Board. And then Mr. Deigan,
2	that is. This is at the record 518, Page 518. Here is their resolution to put out	2	to the Board. And then Mr. Deigan, D-E-I-G-A-N, he is the executive director,
2 3	that is. This is at the record 518, Page 518. Here is their resolution to put out the fire. Board of Directors of Prairie	2 3	to the Board. And then Mr. Deigan, D-E-I-G-A-N, he is the executive director, I guess. I wanted to read some of his
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2 3 4 5 6	that is. This is at the record 518, Page 518. Here is their resolution to put out the fire. Board of Directors of Prairie Crossing Charter School resolution regarding increasing opportunities for educationally disadvantaged students. We,	2 3 4 5 6	to the Board. And then Mr. Deigan, D-E-I-G-A-N, he is the executive director, I guess. I wanted to read some of his testimony into the record. He is talking about the school. Being outdoors with a hands-on
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	page 89		page 91
1	about one of the unique aspects and	1	than encourage. I guess I am gratified to
2	experiences of charter schools have been	2	see that now as a condition for renewal
3	that people who are confined to less than	3	your board has taken some steps to increase
4	adequate educational experience for their	4	opportunities for at-risk students through
5	kids were given an opportunity and were	5	your transportation, through your outreach.
6	given an opportunity for an excellent or	6	But I guess my question is I
7	better future for their kids, they took	7	believe it is our concerns that have been
8	advantage of it. They came. They got in a	8	raised in 2004, in 2009, why has there not
9	lottery.	9	been greater efforts made towards this?
10	Prairie Crossing is a little bit	10	What has your board why has your board
11	different. In spite of all the Blue	11	not taken greater steps in the past, and
12	Ribbons, in spite of all the accolades, in	12	how is it going to be doing it different
13	spite of all the praise, for some reason,	13	now?
14	poor people, some minorities, are really	14	Well, they explained how they
15	hesitant to enthusiastically get involved	15	are doing it different. They passed a
16	with this charter school. What do you	16	resolution. Their transportation policy is
17	think the reason is for that? And they put	17	the same. I haven't seen any amendment of
18	that question to Mr. Deigan.	18	the transportation policy in the record.
19	Then Commissioner followed up	19	So they passed the resolution in 2014.
20	with this, what is it keeping people who	20	Commissioner Wharton, again on
21	should be banging and trying to tear your	21	Page 191, he asks, I don't know if you
22	doors down from coming. Mr. Deigan says,	22	reviewed the 2003 ISBA rating for Prairie
23	sir, I can't answer that. I don't know the	23	Crossing. If you did he is talking
24	exact reason for that statement. I don't	24	about 2003. If you did, I think you have
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	page 90		page 92
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2	know. Further on Page 186 of the	1 2	the groundhog day feeling that I have right now. As you have been as has been said
2 3	know. Further on Page 186 of the record, Mr. Deigan, acknowledging we have	3	the groundhog day feeling that I have right now. As you have been as has been said by my partner on the board, these were all
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		1	
	page 93		page 95
1	indicated in the transportation funds they	1	which is the public communications to the
2	paid over \$4 million and Prairie Crossing	2	Commission, Page 988 of the record. I am
3	indicated zero. How can you indicate there	3	going to read a couple E-mails.
4	is a serious willingness to deal with what	4	"Ladies, it is stunning to me
5	was recommended back in 2003 if right now,	5	that no meaningful change has ever been
6	I mean, you don't even have any advertising	6	required of Prairie Crossing Charter School
7	costs? It would seem that something would	7	to remedy its quasi-private status. This
8	be charged to that particular fund to show	8	school absolutely reeks of insiderism,
_	that you are making an effort to deal with	9	nepotism, haves and have nots. The fact
9		-	
10	what the young lady said back there,	10	that the test scores are good is not
11	serious issues about transportation as	11	justification to allow a select group of
12	being an impediment to people being able to	12	wealthy homeowners to run rush over
13	get their kids to school.	13	outsiders."
14	Mr. Deigan then responds on Page	14	Page 990 of the record, also an
15	195, Line 13. He says, we have	15	E-mail from someone talking about the
16	investigated opportunities for	16	public comment. "These numbers of the
17	transportation. We haven't cracked that	17	people who appeared there demonstrate the
18	nut yet. But we are going to continue to	18	geographic and consequently socioeconomic
19	work on that. And we are starting to do	19	concentration in this charter school. Of
20	some of the legal work right now. And I	20	the 15 community members providing public
21	believe that will be part of our submittal	21	comment, more than half, 8 are residents of
22	on the May 14 deliverable that Karen was	22	the Prairie Crossing subdivision.
23	talking about. But I don't have those	23	Residents of the subdivision have a vested
24	answers right now today in 2014.	24	interest in the success of the school as
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	(847) 244-4117		(847) 244-4117
	page 94		page 96
1		1	
1	Page 198, again Mr. Deigan	1 2	the premier school of choice for their
2	Page 198, again Mr. Deigan trying to explain what they are going to		the premier school of choice for their children within walking distance of their
	Page 198, again Mr. Deigan trying to explain what they are going to do, I think the intent for the school is to	2	the premier school of choice for their children within walking distance of their home but also as an amenity of the
2 3 4	Page 198, again Mr. Deigan trying to explain what they are going to do, I think the intent for the school is to work with your staff, to meet those or to	2 3 4	the premier school of choice for their children within walking distance of their home but also as an amenity of the community. As the community's website
2 3 4 5	Page 198, again Mr. Deigan trying to explain what they are going to do, I think the intent for the school is to work with your staff, to meet those or to establish those benchmarks to see how	2 3 4 5	the premier school of choice for their children within walking distance of their home but also as an amenity of the community. As the community's website states, 'which enhances the fair market
2 3 4 5 6	Page 198, again Mr. Deigan trying to explain what they are going to do, I think the intent for the school is to work with your staff, to meet those or to establish those benchmarks to see how thorough those benchmarks are. I think the	2 3 4 5 6	the premier school of choice for their children within walking distance of their home but also as an amenity of the community. As the community's website states, 'which enhances the fair market value of their utopian community home
2 3 4 5 6 7	Page 198, again Mr. Deigan trying to explain what they are going to do, I think the intent for the school is to work with your staff, to meet those or to establish those benchmarks to see how thorough those benchmarks are. I think the intent of the Board and the school is to	2 3 4 5 6 7	the premier school of choice for their children within walking distance of their home but also as an amenity of the community. As the community's website states, 'which enhances the fair market value of their utopian community home investments.' The concentration of
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<ul> <li>public comment. Quoting a parent and</li> <li>former board member, Laura Elizabeth Fay,</li> <li>school. She said, it appears the school</li> <li>sha an abundance of pupils from the upscale</li> <li>bordering the campus. Fay contended the</li> <li>berdering the campus. Fay contended the</li> <li>berdering the campus. Fay contended the</li> <li>lack of transportation services deter</li> <li>minority children within Fremont and</li> <li>Woodland boundaries from attending the</li> <li>charter school fue are not within</li> <li>walking distance.</li> <li>So I am asking how this can be a</li> <li>the school school fue are not within</li> <li>atkand? That's a former Prairie Crossing</li> <li>bard member.</li> <li>a All right. Well, let me add a</li> <li>comment about the lottery thing which</li> <li>really had me a little puzzled for a while.</li> <li>really had me a little puzzled for a while.</li> <li>is us when we say don't worry, we fixed it,</li> <li>a ssume the argument is that because we have</li> <li>lottery, system, there is a tot of these</li> <li>lottery, system, there is a tot of these</li> <li>lottery, shat is a far and legal sound</li> <li>gount like a years we have a</li> <li>lottery, There is nothing in the record,</li> <li>that can't get in because their lottery</li> <li>that san dig sound</li> <li>dottery, There is nothing in the record,</li> <li>nothing. There is nothing in the record,</li> <li>that can't get in because their lottery</li> <li>ther key and base is the demographic</li> <li>that can't get in because their lottery</li> <li>that</li></ul>				
2         former board member, Laura Elizabeth Fay, should be made to increase diversity at the school. She said, it appears the school has an abundance of pupils from the upscale Prairie Crossing subdivision in Grayslake bordering the campus. Fay contended the lack of transportation services deter minority children within Fremont and Woodland boundaries from attending the 2 outset school of choice when so many the borderin our district cannot choose to a public school of choice when so many the children in our district cannot choose to a tatend? That's a former Prairie Crossing board member.         2         just because somebody says something administic attend? That's a former Prairie Crossing board member.           1         a contrast about the lottery thing which to commer tabout the lottery thing which to commer tabout the lottery thing which to so just like the transportation <b>VAHL REPORTING SERVICE, LTD. (847) 244-4117</b> 2         yublic school, and those were transport to the set so just like the transportation <b>VAHL REPORTING SERVICE, LTD. (847) 244-4117</b> 2           1         sasume the argument is that because whave a lottery system, there is a lot of these is low income forks and others in these so rategories, at-risk that we would define, that can't aget in because their lottery a mambers aren't called. I thought, well, yeah, that is a fair and legal sound a grument.         1         1         1           1         So littery there is nothing in the record, that is a fair and legal sound a clearcy of those epoile that are in the sound how good the school is. We alk how that. We have a lip service transportation the dole in work of that is a fair and legal sound a clearcerize what I see in this record.         1         1         1		page 97		page 99
<ul> <li>a had a different concern saying more efforts</li> <li>should be made to increase diversity at the</li> <li>should be made to increase diversity at the</li> <li>a minority children within Fremont and</li> <li>board momotive children within Fremont and</li> <li>Wooldand boundaries from attending the</li> <li>charter school if they are not within</li> <li>walking distance.</li> <li>board momber.</li> <li>So I am asking how this can be a</li> <li>board member.</li> <li>children arbuing the paraire Crossing</li> <li>board member.</li> <li>All right, Well, let me add a</li> <li>comment about the lottery thing which</li> <li>really had me a little puzzled for a while.</li> <li>I any thinking that's problematic, which it</li> <li>is Lit is in the law.</li> <li>So lust like the transportation</li> <li>VAHL REPORTING SERVICE, LTD. (847) 244-4117</li> <li>folder hore, fais and legal sound</li> <li>a sume the argument.</li> <li>So all these years we have a</li> <li>lottery, there is nothing in the record, have sound what's the</li> <li>lottery, there is nothing in the record, south the sourd wat would define, final keys aren't called. I thought, well, well, wear, that is a fair and legal sound</li> <li>a lottery, there is nothing in the record, is not wat we don't many were fuglish.</li> <li>soure forks and brais in the record, is not wat were, you know, low</li> <li>that many tat were, you know, low</li> <li>that many tat were, you know, low</li> <li>that many met.</li> <li>the son to in there. So I mean, vAHL REPORTING SERVICE, LTD. (847) 244-4117</li> <li>the son the many were fuglish.</li> <li>the son the say and the do poppie that are in the son thing. There is not in there. So I mean, vAHL REPORTING SERVICE, LTD. (847) 244-4117</li> </ul>			-	•
<ul> <li>4 should be made to increase diversity at the school. She said, it appears the school is has an abundance of pupils from the upscale bordering the campus. Fay contended the lottery outreach, this is out of the contrast school of choice when so many to dildren of they are not within is walking distance.</li> <li>4 So I am asking how this can be a public school of choice when so many to children in our district cannot choose to a tated of That's a former Prairie Crossing is board member.</li> <li>9 All right. Well, let me add a comment about the lottery thing which are all the puzzled for a while.</li> <li>1 ant thing that's problematic, which it is is. It is in the law.</li> <li>2 a trisk proportion SERVICE, LTD. (847) 244-4117</li> <li>1 and the is a far an legal sound argument.</li> <li>1 so all these years we have a is lottery and we had board sing. There is not like a year where if a role spot tate are in the is lottery. There is nothing in the record, here to seeI is assume the argument is that because we have a is so all these years we have a im service of the is a lottery. There is a lot of these is a lottery. There is a lot of these is a lottery. There is nothing in the record, here to seeI is kind of reminds me of that little saing.</li> <li>1 wat comes far and legal sound argument.</li> <li>1 lottery. There is nothing in the record, here to seeI is kind of reminds me of that little saing.</li> <li>1 lottery. There is nothing in the record, here to seeI is kind of reminds me of that little?</li> <li>1 lottery. There is nothing in the record, here to seeI is kind of reminds me of that little?</li> <li>1 lottery. There is nothing in the record, is the demographic are set here is load here is load there is load there.</li> <li>1 lottery. There is nothing in the record, here the demographic are singlish and the many were fuglish.</li> <li>2 so that shard a load there and a load there is load there is load there and a load t</li></ul>		-	_	
<ul> <li>s school. She said, it appears the school has an abundance of pupils from the upscale Prairie Crossing subdivision in Grayslake</li> <li>bordering the campus. Fay contended the lack of transportation services deter</li> <li>minority children within Fremont and</li> <li>Wooldand boundaries from attending the</li> <li>charter school if they are not within</li> <li>walking distance.</li> <li>So I am asking how this can be a</li> <li>public school of choice when so many</li> <li>children in our district cannot choose to</li> <li>attend? That's a former Prairie Crossing</li> <li>board member.</li> <li>alak off the uzzled for a while.</li> <li>really had me a little puzzled for a while.</li> <li>assume the argument is that because we have a</li> <li>assume the argument is that because whave</li> <li>categories, at-risk that we would define,</li> <li>that can't get in because their lottery</li> <li>so all these years we have a</li> <li>categories, at-risk that we would define,</li> <li>that can't get in because their lottery</li> <li>so sol, these y and we had 60 people</li> <li>for 20 spots. And here is the demographic</li> <li>for 20 spots. And here is the demographic</li> <li>for 20 spots. And here is the demographic</li> <li>for 20 spots. And here is hould may what were, you know, low</li> <li>that many may that were, you know, low</li> <li>that smany that were, you know, low</li> <li>that smany may that were, you know, low</li> <li>that smany that were, you know, low</li> <li>that smany that were, you know, low</li> <li>that smany that were, you know, low</li> <li>that short in there. So I mean, VAHL REPORTING SERVICE, LTD. (847) 244-4117</li> </ul>	3		3	
<ul> <li>c has an abundance of pupils from the upscale</li> <li>Prairie Crossing subdivision in Grayslake</li> <li>bordering the campus. Fay contended the</li> <li>berdering the campus. Fay contended the</li> <li>containe to achieve a student</li> <li>population including children of low</li> <li>containe to achieve a student</li> <li>population generality reflective of the</li> <li>berdering the campus. Fay contended the</li> <li>population generality reflective of the</li> <li>berdering the campus. Fay contended the</li> <li>population generality reflective of the</li> <li>population generality report from the</li>     &lt;</ul>	4	,	4	· •
7       Prairie Crossing subdivision in Grayslake       7       2012-13 accountability report from the         8       bordering the campus. Fay contended the       8       charter school. Our admission criteria         9       minority children within Fremont and       9       will continue to achieve a student         10       world aboundaries from attending the       9       charter school if they are not within         13       walking distance.       10       income families, limited English         14       So I am asking how this can be a       11       larger population including children of low         16       children in our distric cannot choose to       10       progresentation. There is school,         16       tatend? That's a former Prairie Crossing       10       teduction needs. Therefore, the school,         17       attend? That's a former Prairie Crossing       10       really had me a little puzzled for a while.         20       comment about the lottery thing which       11       really had me a little puzzled for a while.         21       really had me a little puzzled for a while.       20       11       the lottery, those who would have upped         21       really had me a little puzzled for a while.       21       12       well correctly. But one       22         21       issue when we say do	5		5	
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<ul> <li>9 lack of transportation services deter</li> <li>9 will continue to achieve a student</li> <li>9 population generally reflective of the</li> <li>11 larger population including children of low</li> <li>12 charter school if they are not within</li> <li>13 walking distance.</li> <li>14 So I am asking how this can be a</li> <li>15 public school of choice when so many</li> <li>16 children in our district cannot choose to</li> <li>17 attend? That's a former Prairie Crossing</li> <li>18 board member.</li> <li>19 All right. Well, let me add a</li> <li>20 comment about the lottery thing which</li> <li>21 really had me a little puzzled for a while.</li> <li>22 I am thinking that's problematic, which it</li> <li>23 is. It is in the law.</li> <li>24 issue when we say don't worry, we fixed it,</li> <li>24 austery system, there is a lot of these</li> <li>25 low income folks and others in these</li> <li>3 lottery system, there is a lot of these</li> <li>3 lottery system, there is a lot of these</li> <li>3 lottery system, there is a lot of these</li> <li>3 lottery result and these verse we have a</li> <li>3 lottery. There is not ling in the record here at the</li> <li>3 assume the argument is that because we have a</li> <li>4 a lottery system, there is a lot of these</li> <li>4 alottery system, there is a lot of these</li> <li>4 alottery result, that is a fair and legal sound</li> <li>3 add these verse we have a</li> <li>3 lottery. There is not ling in the record, here</li> <li>4 alottery here. But how about what's the</li> <li>4 nothing. There is not link a year where</li> <li>16 for 20 spots. And here is the demographic</li> <li>3 for any strike and this many maybe</li> <li>3 were Hispanic or African American.</li> <li>4 this not in theres. So I mean,</li> <li>4 WAL REPORTING SERVICE, LTD.</li> <li>(847) 244-4117</li> <li>4 WAL REPORTING SERVICE, LTD.</li> <l< th=""><th>7</th><th>5</th><th>7</th><th></th></l<></ul>	7	5	7	
10       minority children within Fremont and       10       population generally reflective of the         11       Woodland boundaries from attending the       11       larger population including children of low         12       children in our district cannot choose to       11       proficiency, students of different ethnic         14       So I am asking how this can be a       15       public school of choice when so many       16         16       hildren in our district cannot choose to       17       attend 7 that's a former Prairie Crossing       18         18       board member.       19       All right. Well, let me add a       20       comment about the lottery thing which         12       I and thinking that's problematic, which it       18       representation. There is nothing in this         14       So just like the transportation       VAHL REPORTING SERVICE, LTD.       18         14       gage 98       1       susue when we say don't worry, we fixed it,       21         1       assume the argument is that because we have a       1       what comes to mind is the dol saying, I         2       about thow good thes chool is. We all know       10       about how good the school is. We all know         1       assume the argument is that because we have a       1       what comes to mind is the dol saying, I	8	<b>-</b>	8	
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	page 101		page 103
1	with the argument that we can't figure out	1	would happen with the government. And the
2	what the law is. I looked at it. It says	2	leader of government would be asked by the
3	what it says. It is not a mandate. I am	3	press, you have to fix this. Don't worry,
4	not buying that. It is not a mandate.	4	I fixed it. Well, what did you do? I
5	Anybody that has common sense	5	fired the guy that was in charge. Then the
6	can look at the law. Anybody that has	6	press would just go away. Wow, who does
7	common sense knows what the law was drafted	7	that?
8	for. Anybody that knows how political	8	That's what they are just saying
9	creatures, legislators and others, go down	9	here, I fixed it. Don't worry. It is
10	to Springfield and do their job, they do it	10	done.
11	because they are trying to fix something or	11	This is not done. There is
12	people want it or their voters want it.	12	nobody you go down and find any, I said
13	That is what was going on there. They went	13	this before, any legislator, any person.
14	down, created a Charter School Act to help	14	You show them that chart and you ask them
15	different types of education, not to	15	if that's what the Charter School Law was
16	exclude people that don't incorporate all	16	supposed to be. You know what the answer
17	the at-risk kids. That argument when you	17	would be. So that's my finding.
18	have 1.8 percent of low income and 30	18	This is a clearly erroneous decision based on the facts and the law and
19	percent district-wide, I mean, you don't	19	
20	need a Blue Ribbon committee to figure that	20	what's in the record. And I am left with
21 22	one out. This record first of all, I	21 22	the firm conviction that a mistake has been committed. That's it.
22	commend the Commission for their vigorous	22	So get onto the reviewing court.
23 24	debate. If it was a novel and I didn't		It is a final and appealable order, right?
24	VAHL REPORTING SERVICE, LTD.	24	VAHL REPORTING SERVICE, LTD.
	(847) 244-4117		(847) 244-4117
	page 102		
			Dade 104
1		1	page 104 MS. STURINO: Yes.
1 2	know the end of the story when I was reading it, I would be like okay, they are	1	MS. STURINO: Yes. THE COURT: Are we all done?
	know the end of the story when I was		MS. STURINO: Yes.
2	know the end of the story when I was reading it, I would be like okay, they are	2	MS. STURINO: Yes. THE COURT: Are we all done?
2 3	know the end of the story when I was reading it, I would be like okay, they are going to do something here. But they	2 3	MS. STURINO: Yes. THE COURT: Are we all done? Need anything else?
2 3 4	know the end of the story when I was reading it, I would be like okay, they are going to do something here. But they didn't. 5-to-4 they didn't. But they	2 3 4	MS. STURINO: Yes. THE COURT: Are we all done? Need anything else? MS. STURINO: I think we asked
2 3 4 5	know the end of the story when I was reading it, I would be like okay, they are going to do something here. But they didn't. 5-to-4 they didn't. But they almost did.	2 3 4 5	MS. STURINO: Yes. THE COURT: Are we all done? Need anything else? MS. STURINO: I think we asked for dismissal of Counts 2, 3, 4 because
2 3 4 5 6	know the end of the story when I was reading it, I would be like okay, they are going to do something here. But they didn't. 5-to-4 they didn't. But they almost did. And how difficult is this? This	2 3 4 5 6	MS. STURINO: Yes. THE COURT: Are we all done? Need anything else? MS. STURINO: I think we asked for dismissal of Counts 2, 3, 4 because they were pled in the alternative.
2 3 4 5 6 7	know the end of the story when I was reading it, I would be like okay, they are going to do something here. But they didn't. 5-to-4 they didn't. But they almost did. And how difficult is this? This case is not going to end here. But you can	2 3 4 5 6 7	MS. STURINO: Yes. THE COURT: Are we all done? Need anything else? MS. STURINO: I think we asked for dismissal of Counts 2, 3, 4 because they were pled in the alternative. MR. PETRUNGARO: They were pled
2 3 4 5 6 7 8	know the end of the story when I was reading it, I would be like okay, they are going to do something here. But they didn't. 5-to-4 they didn't. But they almost did. And how difficult is this? This case is not going to end here. But you can tell by what I have read into this record that this is a clearly erroneous result from the purpose of what is in the record,	2 3 4 5 6 7 8	MS. STURINO: Yes. THE COURT: Are we all done? Need anything else? MS. STURINO: I think we asked for dismissal of Counts 2, 3, 4 because they were pled in the alternative. MR. PETRUNGARO: They were pled in the alternative, your Honor. I believe
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	405		107
	page 105	.	page 107
1	MR. PETRUNGARO: allowing	1	That's my feeling. Let the you are
2	this to go up.	2	going to the Appellate Court. Let them
3	THE COURT: Right. Go on up.	3	enter the stay.
4	That's why I wanted to get this done fast.	4	MS. STURINO: Because by the
5	I don't want to sit on this for three	5	time the briefing is done
6	months and write a long, loquacious ruling.	6	THE COURT: All you have to do
7	MS. STURINO: Any requests for	7	is make a motion for a stay.
8	fees, they should be stayed since you just	8	MS. STURINO: Motion for a stay?
9	gave us 308(a) language.	9	THE COURT: Yes.
10	THE COURT: What did I give you?	10	MS. STURINO: Stay of your
11	MS. STURINO: 308(a), final and	11	order?
12	appealable order.	12	THE COURT: Yes. Right?
13	THE COURT: Isn't that 304(a)?	13	MS. STURINO: I guess
14	MR. PETRUNGARO: Typically 304.	14	THE COURT: You are appealing.
15	308 is when we have other issues remaining	15	You are going to file an appeal, right?
16	to be resolved.	16	MS. STURINO: Yes.
17	MS. STURINO: Just got them	17	THE COURT: Notice of appeal
18	done.	18	right away. Then go in on a motion to stay
19	MR. PETRUNGARO: If you are	19	in front of the Appellate Court. If that
20	staying that issue, then that would be	20	turns out to be a procedural problem, let
21	THE COURT: Final and	21	me know.
22	appealable, that's all I want because	22	MR. VAZQUEZ: I believe, your
23	then they don't review what I say anyhow.	23	Honor, that we are supposed to make the
24	It is purely the administrative record, VAHL REPORTING SERVICE, LTD.	24	request to you first and then to the
	(847) 244-4117		VAHL REPORTING SERVICE, LTD. (847) 244-4117
	page 106		page 108
1		1	
1	which always amazes me. So you will have		Appellate Court.
2	which always amazes me. So you will have three people looking at it, rather than	2	Appellate Court. THE COURT: Well, I am reading
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2 3 4	which always amazes me. So you will have three people looking at it, rather than one. Thanks for everybody's patience	2 3 4	Appellate Court. THE COURT: Well, I am reading the rule here. This is a non-money judgment. Except in cases provided for in
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2 3 4 5 6 7	which always amazes me. So you will have three people looking at it, rather than one. Thanks for everybody's patience and hard work. (After a short recess, the	2 3 4 5 6	Appellate Court. THE COURT: Well, I am reading the rule here. This is a non-money judgment. Except in cases provided for in Paragraph B on notice and motion. An opportunity for opposing party to be heard, the Court may also stay the enforcement of
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	page 109	1	page 111
1	such a motion must show that the	1	their motion, or are we setting up a
2	application to Circuit Court is not	2	briefing schedule?
3	practical or the Circuit Court has denied	3	MS. STURINO: Setting up a
4	an application or has failed to afford the	4	briefing schedule.
5	relief that the applicant has requested and	5	MR. PETRUNGARO: I have no idea
6	must be accompanied by suggestions in	6	what is going to be in their motion.
7	support of a motion and a supporting	7	MS. STURINO: Right.
8	record.	8	THE COURT: Right.
9	MS. STURINO: So we have to make	9	MS. STURINO: So how long do you
10	a motion here first.	9 10	want?
11	THE COURT: You have to make the	11	THE COURT: Let's give you a
12	motion here first.	12	date for presenting the motion. How is
13	MR. PETRUNGARO: If your Honor	13	that? You don't have to spindle it up. Or
14	denies it, then they have the opportunity	14	we just leave today, or you figure it out
15	at the Appellate Court.	15	when you get it together and put it on the
16	THE COURT: Right.	16	9:30 call.
17	MS. STURINO: With a lot of	17	MR. PETRUNGARO: The morning of
18	THE COURT: I will tell you	18	the 13th is fine if you want to do a clerk
19	what. As long as we are, you know, we got	19	status.
20	the procedural trail in front of us and I	20	MR. VAZQUEZ: Your Honor, not
21	am reading the rule, I think you should	21	that I want to belabor this any longer, so
22	it says on notice and motion an opportunity	22	your ruling today, is it going to be at
23	for opposing party to be heard. So why	23	least stayed until this motion or what
24	don't you put it in a motion?	24	is I just want to be clear because, in
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	page 110		nogo 110
			page 112
1	MS. STURINO: Make a motion.	1	the meantime, we do have parents and
1 2	MS. STURINO: Make a motion. THE COURT: That will give me	1 2	the meantime, we do have parents and students attending our school.
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	page 113		page 115
1	THE COURT: No. You know	1	financially interested directly or
2	MS. STURINO: Why won't you	2	indirectly in this action.
3	agree to the stay while we appeal this to	3 ⊿	IN WITNESS WHEREOF, I have set my hand.
4	the Appellate Court?	4 5	iny nanu.
5	MR. PETRUNGARO: Are you asking	6	
6	me?	7	
7		8	
	MS. STURINO: Yes, I am asking		Carris McCann
8	you.	9	
9	MR. PETRUNGARO: Because there		Carrie McCann
10	is another 3 and a half million dollars	10	Certified Shorthand Reporter
11	that Woodland is potentially out next year.		Certificate No. 84-004374
12	We know how slow cases can move through the	11	
13	Appellate Court. I don't understand why	12	
14	this motion, if you are going to take it up		
15	to the Appellate Court, why it couldn't be	13	
16	done on an expedited schedule in the	14	
17	Appellate Court. It is mid March.	15	
18	THE COURT: I will tell you	16	
19	what. Here is my suggestion. Motion it	17	
20	up. Spindle it up at 9:30.	18 19	
21	MS. STURINO: All right.	20	
22	Ho. Stokiko: Air fight.	21	
23		22	
		23	
24	VAHL REPORTING SERVICE, LTD.	24	
	(847) 244-4117		VAHL REPORTING SERVICE, LTD.
			(847) 244-4117
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1	STATE OF ILLINOIS )		
2	) SS:		
2 3			
2	) SS:		
2 3 4 5	) SS:		
2 3 4 5 6	) SS:		
2 3 4 5	) SS: COUNTY OF L A K E )		
2 3 4 5 6	) SS: COUNTY OF L A K E ) I, Carrie McCann, CSR,		
2 3 4 5 6 7	) SS: COUNTY OF L A K E ) I, Carrie McCann, CSR, Certified Shorthand Reporter, and a notary		
2 3 4 5 6 7 8	) SS: COUNTY OF L A K E ) I, Carrie McCann, CSR,		
2 3 4 5 6 7 8 9	) SS: COUNTY OF L A K E ) I, Carrie McCann, CSR, Certified Shorthand Reporter, and a notary		
2 3 4 5 6 7 8 9	) SS: COUNTY OF L A K E ) I, Carrie McCann, CSR, Certified Shorthand Reporter, and a notary public in and for the County of Lake and State of Illinois, do hereby certify that the testimony given in the proceedings		
2 3 4 5 6 7 8 9 10 11	) SS: COUNTY OF L A K E ) I, Carrie McCann, CSR, Certified Shorthand Reporter, and a notary public in and for the County of Lake and State of Illinois, do hereby certify that		
2 3 4 5 6 7 8 9 10 11 12	) SS: COUNTY OF L A K E ) I, Carrie McCann, CSR, Certified Shorthand Reporter, and a notary public in and for the County of Lake and State of Illinois, do hereby certify that the testimony given in the proceedings		
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