

SUPREME COURT OF ILLINOIS

Board of Education, Joliet Township High School District No. 204 v.
Board of Education, Lincoln Way Community High School District
No. 210, 231 Ill. 2d 184

897 N.E.2d 756 (Ill. 2008) · No. No. 105018 · Decided October 17, 2008

SUMMARY

The Illinois Supreme Court considered whether Illinois School Code section 7-2b, governing detachment and annexation of school-district territory, was preempted by the federal Equal Educational Opportunities Act. The court held that the EEOA did not require the Illinois State Board of Education to adjudicate or consider the alleged segregative effects of a detachment/annexation petition. It reversed the appellate court and remanded the matter to the circuit court for consideration of the school district's EEOA claim.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Garman; Chief Justice Fitzgerald; Justice Thomas; Justice Kilbride; Justice Karmeier; Justice Burke; Justice Freeman
JURISDICTION	Illinois
DECIDED	October 17, 2008
DOCKET	No. 105018
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Illinois State Board of Education sought review of an appellate judgment holding that section 7-2b of the Illinois School Code was preempted by the Equal Educational Opportunities Act and remanding the matter to the Board. The Illinois Supreme Court granted the Board's petition for leave to appeal.
STANDARD OF REVIEW	De novo review applies to whether state law is preempted by federal law and to questions of statutory interpretation.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Illinois

PARTIES

Board of Education, Lincoln Way Community High School District
No. 210, Illinois State Board of Education, other appellants v. Board of
Education, Joliet Township High School District No. 204

TOPICS

judicial review of agency action

administrative law

preemption

supremacy clause

statutory interpretation

PRACTICE AREAS

administrative law

education law

constitutional law

civil rights

federalism

QUESTIONS PRESENTED

1. Whether the Equal Educational Opportunities Act requires an educational agency to consider the segregative effects of a section 7-2b detachment-and-annexation petition before granting it.
2. Whether section 7-2b of the Illinois School Code is preempted by the Equal Educational Opportunities Act because it bars the Illinois State Board of Education from considering the federal claim.
3. Whether the circuit court may adjudicate District 204's Equal Educational Opportunities Act claim in an independent action under its original jurisdiction rather than solely through administrative review.
4. Whether the claim was forfeited or barred by the exclusivity of administrative review when the administrative statute prohibited the Board from developing a factual record on the claim.

HOLDINGS

1. The Equal Educational Opportunities Act does not require a state educational agency to conduct an affirmative predecision review or formal adjudication of the segregative effects of every detachment-and-annexation petition.
2. Section 7-2b is not preempted by the EEOA because the state statutory framework does not prevent the federal claim from being heard and adjudicated by a competent court.
3. The circuit court has original jurisdiction to hear and fully adjudicate District 204's EEOA claim as an independent action, including by receiving evidence and, where appropriate, granting injunctive relief.
4. The ordinary forfeiture rule and the exclusivity of administrative review do not bar the EEOA claim because section 7-2b denied District 204 any opportunity to develop a record before the administrative agency.

KEY QUOTATIONS

“The prohibition on acting in a discriminatory way is not the same as an affirmative mandate to take certain actions or to conduct formal proceedings to ensure that the actions taken are not discriminatory.” (231 Ill. 2d at 766)

“Therefore, there can be no forfeiture, because there was no opportunity to present the issue. In essence, there was no “first opportunity.”” (231 Ill. 2d at 768)

“Through the exercise of the circuit court's original jurisdiction, the circuit courts may conduct proceedings, receive evidence, and fully adjudicate District 204's EEOA claim.” (231 Ill. 2d at 207)

FACTUAL BACKGROUND

Four individuals, comprising all registered voters of a contiguous 320-acre parcel in Will County, petitioned to detach the parcel from Joliet Township High School District No. 204 and annex it to Lincoln Way Community High School District No. 210. The parcel was within an elementary school district generally served by District 210 but was located within District 204 for high-school purposes, so children residing there would not attend high school with most of their elementary-school classmates. District 204 alleged that the proposed change would increase racial segregation because the petitioners were white, District 204 was approximately 60% minority, and District 210 was almost completely white. The statutory conditions for detachment and annexation were undisputedly satisfied, but section 7-2b barred the hearing officer and Board from considering the segregation claim.

PROCEDURAL HISTORY

Four registered voters petitioned to detach a parcel from Joliet Township High School District No. 204 and annex it to Lincoln Way Community High School District No. 210 under section 7-2b of the Illinois School Code. The hearing officer and the Illinois State Board of Education concluded that the statutory conditions were met and granted the petition without considering District 204's Equal Educational Opportunities Act claim. The Will County circuit court affirmed, but the appellate court held that section 7-2b was preempted by federal law and remanded for consideration of the federal claim. The Illinois Supreme Court reversed the appellate judgment and remanded to the circuit court for an original-jurisdiction proceeding on the claim.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the portion of the appellate judgment holding section 7-2b preempted by the EEOA and remand to the Will County circuit court to adjudicate District 204's EEOA claim under its original jurisdiction, allowing development of an evidentiary record.

CASES CITED

- Kinkel v. Cingular Wireless, LLC, 223 Ill. 2d 1, 15, 857 N.E.2d 250 (2006)
- Schultz v. Northeast Illinois Regional Commuter R.R. Corp., 201 Ill. 2d 260, 288, 775 N.E.2d 964 (2002)
- Harshman v. DePhillips, 218 Ill. 2d 482, 490, 844 N.E.2d 941 (2006)
- Crosby v. National Foreign Trade Council, 530 U.S. 363, 372-73, 373, 388 (2000)
- Lorillard Tobacco Co. v. Reilly, 533 U.S. 525, 540-41 (2001)
- Fidelity Federal Savings & Loan Ass'n v. de la Cuesta, 458 U.S. 141, 153 (1982)
- Hines v. Davidowitz, 312 U.S. 52, 67-68 (1941)

- Gomez v. Illinois State Board of Education, 811 F.2d 1030, 1038 (7th Cir. 1987)
- Howlett v. Rose, 496 U.S. 356, 369-73 (1990)
- Delgado v. Board of Election Commissioners, 224 Ill. 2d 481, 485, 865 N.E.2d 183 (2007)
- Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc., 199 Ill. 2d 325, 335, 770 N.E.2d 177 (2002)
- Carpetland U.S.A., Inc. v. Illinois Department of Employment Security, 201 Ill. 2d 351, 396-97, 776 N.E.2d 166 (2002)
- Texaco-Cities Service Pipeline Co. v. McGaw, 182 Ill. 2d 262, 278, 695 N.E.2d 481 (1998)
- Chestnut v. Lodge, 34 Ill. 2d 567, 571, 216 N.E.2d 799 (1966)
- Board of Education of Rich Township High School District No. 227 v. Brown, 311 Ill. App. 3d 478, 491, 724 N.E.2d 956 (1999)
- Ardt v. Illinois Department of Professional Regulation, 154 Ill. 2d 138, 148, 607 N.E.2d 1226 (1992)
- Brown v. Board of Education, 347 U.S. 483, 495 (1954)
- Cooper v. Aaron, 358 U.S. 1, 17-18 (1958)
- Milliken v. Bradley, 418 U.S. 717, 744 (1974)