

INDEPENDENT HEARING OFFICER'S REPORT

RE: PROPOSED CLOSURE OF GUGLIELMO MARCONI ELEMENTARY COMMUNITY ACADEMY

230 NORTH KOLMAR

CHICAGO, ILLINOIS

HEARING COMMENCED APRIL 16, 2013 8:00 PM

HONORABLE CHERYL A STARKS

HEARING OFFICER

INTRODUCTION

On April 16, 2013 at 8:00 p.m. pursuant to Section 105 ILCS 5/34-230 the undersigned Independent Hearing Officer, **Cheryl A. Starks**, convened a public hearing at the Chicago Public School offices located at 125 South Clark Street, Chicago, Illinois, for receiving comments from interested parties regarding the proposed closure of Guglielmo Marconi Elementary Community Academy (Marconi). A Certified Shorthand Reporter transcribed this hearing. Attorney Ruchi Verma of the CPS Law Department represented the Chicago Public School Chief Executive Officer, Barbara Byrd Bennett, (CEO). The following details a summary of the evidence presented during the public hearings.

THE PROPOSAL

The CEO of CPS is making a recommendation to the Board of Education to close Guglielmo Marconi Elementary Community Academy (Marconi), based on underutilization. The recommendation is that George W. Tilton Elementary School (Tilton), located at 223 North Keeler Ave. will serve as the dedicated welcoming school for students of Marconi in the fall. Tilton, according to the Chief Executive Officer's guidelines for School Actions, is a higher performing school. The recommendation was based on CPS Space Utilization Standards and student enrollment numbers recorded on the 20th attendance day for the 2012-2013 school year. On the 20th day of attendance, Marconi had an enrollment of 233 students in a school with a capacity to service 570 students.

COMMUNITY MEETINGS

The written evidence of these proceedings included verbatim transcripts and written summaries of community meetings held at Raby High School on April 9, 2013 and April 13, 2013, and the public hearing held on April 16, 2013 at CPS Central Office. All submitted documents and comments were reviewed, incorporated, and given the proper consideration.

EXHIBITS

Attorney Ruchi Verma from the Chicago Board of Education Law Department tendered and the Hearing Officer received into record, the CEO's compiled Exhibit marked CPS number 1 in support of the Closure. Supplemental documents received into evidence on April 22, 2013: Summary of April 13, 2013 Community Meeting and Affidavit of Jason Van Patten, attesting to publication of said document.

RELEVANT LEGAL AND PROCEDURAL DOCUMENTS

Relevant Statutes:

105 ILCS 5/34-18 (Powers of the Board) effective July 13, 2012

105 ILCS 5/34-200 (Definitions) effective July 13, 2012

105 ILCS 5/34-225 (School Transition plans) effective November 30, 2012

105 ILCS 5/34-230 (School Action Public Meetings and Hearings) effective August 22, 2011

105 ILCS 5/34-232 (Proposed School Action Announcement and Notice: 2012-2013 School Year) effective November 30, 2012

Relevant Chicago Public Schools Policies and Procedures

Chicago Public Schools Board of Education School Performance, Remediation, and Probation Policy for the 2011-2012 School Year, Section 302.6A (Board Report 10-0728-P04)

Chicago Public Schools Policy on Review and Establishment of School Attendance Boundaries (Policy Manual section 703.2, Board report 05-0622-P01)

Chicago Public Schools Space Utilization Standards (Issued December 28, 2011)

Guidelines for School Actions, 2012-2013 School Year (Issued November 30, 2012)

Chief Executive Officers' procedures for public Hearings on Proposed School Closure, Consolidation, Co-Location, Phase-out, or Reassignment Boundary Change

NOTICE OF HEARINGS

Notice to Parents or Guardians of Students at Guglielmo Marconi Community Academy Dated March 21, 2013 and Parents or Guardian of Students of George W. Tilton Elementary School, Notice Letter to School Personnel, Local School Council Members, and Board Members

Notice to Administrators, Faculty, Staff, and LSC Members of Guglielmo Marconi Community Academy and Administrators, Faculty, Staff, and LSC Members of George W. Tilton Elementary School, dated March 21, 2013, and Draft Transition Plan for the Proposed Closure of Marconi Elementary School

Affidavits

- a. Affidavit of Jeff Broom, performance Data Analyst for Chicago Public Schools Regarding Mail and/or Personal Delivery of Notice to Parents/Guardians, School personnel and Local School Council Members of Guglielmo Marconi Community Academy and George W. Tilton Elementary School on or about March 21, 2013.
- b. Affidavit of Leonard Langston, Chief of Staff, Office of Public and Community Affairs for Chicago Public Schools Regarding Electronic Mail Delivery of Notice Letters to Elected Officials on or about March 21, 2013.
- c. Affidavit of Jason Van Patten, Director of Web Services for Chicago Public Schools Regarding Publication of: (a) List of Independent Hearing Officers on or for Draft Guidelines for School Actions on or before October 31, 2012, (b) Guidelines for School Actions on or before November 30, 2012, (c) (d) Proposals on or about March 21, 2013, and (e) Summary from the Community Meeting on or before April 14, 2013.
- d. Public Notice of Hearing and Community Meeting by Newspaper Publication in the Chicago Sun-Times beginning April 3, 2013.

DOCUMENTS AND WRITTEN EVIDENCE IN SUPPORT OF THE PROPOSAL AT THE FOLLOWING TABS:

17. Transcript of the April 9, 2013 Community Meeting regarding the Proposed Closure of Guglielmo Marconi Community Academy

18. Summary of the April 9, 2013 Community Meeting regarding the Proposed Closure of Guglielmo Marconi Community Academy
19. Transcript of the April 13, 2013 Community Meeting regarding the Guglielmo Marconi Community Academy.
20. Written Statement of Patrick Payne, Portfolio Planner for the Chicago Public Schools.
21. PowerPoint Presentation Accompanying Patrick Payne's Written Statement.
22. Map of Proposed Attendance Area Boundary Change.
23. Written Statement of Wanda Washington, Chief of Schools of the Garfield- Humboldt Elementary Network for the Chicago Public schools.
24. Guglielmo Marconi Community Academy and George W. Tilton Elementary School Performance Policy Reports.

SUMMARY OF THE HEARING ON THE PROPOSAL TO CLOSE MARCONI SCHOOL

BOARD PRESENTERS:

Patrick Payne CPS Portfolio Manager testified in this hearing that his job is to manage strategic planning to improve the efficient utilization of CPS facilities. He gave his qualifications and his prior relevant employment history. He testified that in proposing this boundary change, several factors were considered as outlined in the Review and Establishment of School Attendance Boundaries Policy, including, but not limited to the capacity of Tilton, geographic barriers, travel time, distance traveled, and program considerations.

He referred to the space utilization Standards used by the CEO in determining the enrollment efficiency range of a facility. According to the Space Utilization Standards (SUS) the enrollment efficiency range is plus or minus 20% of the facility's ideal enrollment. A typical elementary school has 39 classrooms. The ideal enrollment for Elementary school buildings is the allotted homeroom multiplied by 30. The allotted homeroom, approximately 76-77% of 39, is 30 classrooms. Multiplying 30 classrooms by 30 equals the ideal enrollment number of 900. He then applied this formula to Marconi, which, according to testimony, Marconi on the 20th day of attendance for the 2012-2013 school year, had an enrollment of 233 students in Pre Kindergarten and kindergarten through 8th grades.

According to Mr. Payne, there are 26 total classrooms within the Marconi facility. Approximately 76-77% of this number is 19, the number of allotted homerooms. Thus, 19 multiplied by 30 equal 570, which is the ideal enrollment of the facility. Thus, the

enrollment efficiency range of the Marconi facility is between 456-684. Therefore, the 233 enrollment for Marconi is below the efficiency range of 456-684, thus making the school underutilized.

Conversely, he compared Tilton's enrollment status on the 20th day of attendance for the 2012-2013 school year. Tilton has 35 total classrooms, 76%-77% this number is 26, multiplied by 30 equals an ideal enrollment of 780 for that facility. The enrollment efficiency range of the Tilton facility is between 624-936 students. Tilton has 303 students enrolled. Marconi's current enrollment of 233 students plus Tilton's current enrollment of 303 students equals 536 students, which is below the 624-936 Tilton efficiency range. Thus, there is enough space in the Tilton facility for the Marconi and Tilton students.

Wanda Washington, Chief of Schools for the Chicago Public Schools, Garfield-Humboldt Elementary Network. Ms. Washington testified to the transition plan in place to assist the transfer of Marconi students to Tilton. She stated that Marconi students would be welcomed by the Tilton Elementary school, which is a higher performing school than Marconi is, based on the 2011-2012 Performance Policy. Marconi received a Level 3 rating, while Tilton received a Level 2 rating. Under CPS Performance Policies, schools are ranked based on a variety of student outcome measures, including standardized test scores and student attendance. The highest performing schools are designated as Level 1 schools while the lowest performing schools are designated as level 3 schools.

She also testified that students will receive additional support to address safety concerns, working with CPS Office of Safety and Security, Chicago police Department, Department of Family Support Services, local community groups and faith partners, elected officials and other agencies to develop a plan for safe transition of students.

She indicated that OSS would update school safety audits, address specific safety concerns raised by students and staff, and deploy safe passage workers on designated street corners and specific intersections during the morning and afternoon. Students will also receive academic support as they transition. Principals will receive discretionary resources to provide direct academic support to students. Students will also receive social and emotional support to help them adjust to a new school environment. Ms. Washington has also stated that she will hold office hours on May 1st, 8th, and 15th between 1:00 pm and-3:00 pm at 2908 West Washington, to welcome students and families to discuss concerns and educational options. She also stated that additional transition supports would be provided to ensure that Marconi students who have unique needs or circumstances are adequately supported in the transition.

The hearing Officer received on behalf of the Public the following Exhibits:

Public Exhibits:

1. Written Statement of Margaret Walton
2. "The Black and White of Education in Chicago Public Schools, Class, Charters, and Chaos"

3. "A Tale of Two Schools. The human Story behind the Destructive School Actions in Chicago
4. Written testimony and Article by John Kugler, CTU Rep. "Testimony against School Closures: Consolidation, Phase-outs, and Turnarounds for 2013-2014 School Year".
5. Letter from Marconi LSC
6. Letter from Concerned Parent re: School performance
7. Letter from Concerned Parent re: School safety
8. Flyer on 2011-2012 School Year Performance Comparison between Marconi and Tilton
9. Progress Report for Tilton's 2011-2012 Evaluation Performance on Culture and Climate
10. Letter from Concerned Parent on Safety Concerns
11. Letter entitled "Marconi- The Little Engine That Could"

PUBLIC SPEAKERS

Alderman Jason Ervin, a former Tilton Local School Council member stated that he has been down this road before with school closings. He stated that he has heard nothing about the human elements of this particular consolidation. He argued that the two school districts have "distinct neighborhood feels" about them. He also stated that using numbers to determine efficiency based on size is not necessarily in the best interest of the students.

He believes that the children in his area have special needs and require more time, more attention, and more effort. He believes that his area has a higher mobility rate because the children in his area are not meeting or exceeding at the same levels of the district. As a result, the enrollment levels have dropped. He believes that the CEO did not consider mitigating circumstances in proposing to close Marconi.

His biggest concern is for the children's safety, which he believes, has not been adequately addressed by CPS. His concern is that the distance from the furthest point of the Marconi boundary to the Tilton boundary in either direction is more than a mile. He also stated that due to gang activities, it might be difficult for a parent to take their child to school because they could not precede pass a certain boundary.

Tonya Hunter, who does not have children living in the area affected by the closings, voiced her concerns about the hearing process. She wanted to know if attending these hearings were making a difference or just wasting everybody's time. She also shared the Alderman's concerns about safety. She wanted to know if school buses could be used to transport student for safety reasons. Ms. Washington informed her that someone from the Department of Transportation would have to answer that question, but she would get a response to the Hearing Officer.

Ms. Hunter also stated that it was unfair that she was only allowed 30 seconds to speak where as she had to wait in line for over 15 minutes to get into the hearing. The Hearing Officer told her that she had two minutes, and she responded that she wanted to write a

letter to someone to request more than two minutes. (*Ms. Hunter actually had more than two minutes as many of the other speakers did, due to the small crowd.*)

She also wanted to know if students had the option of attending a magnet school rather than Tilton. She was told that that might be one of the options as well.

Margaret Walton stated that she has two children at Tilton in seventh and eighth grades. She believes that many of the problems associated with the public school exist because prayer has been taken out of the schools. She voiced her concerns about safety at Tilton. She stated that she previously had problems with "gang bangers" when her children attended Tilton. She transferred them to Marconi for safety reasons and now they are going back to an unsafe environment.

John Kugler, CTU representative, was "disturbed" about the security in place at the CPS Head Quarters, while children in the schools cannot receive the same level of protection. He produced a document marked as Public Exhibit # 2 in support of his statements that the Chicago Public School's closure policy is racist. He also submitted another document marked as Public Exhibit # 3 in support of his statement that the school closures over the last 20 years have not improved the quality of education in the public schools but has caused more disruptions than stated.

He animatedly stated that some of his students were murdered because of the CPS closing policies. He referenced a Facility Tasks Force that stated that CPS should create a five to ten year plan, that the Board was breaking the law. He argued that many of the CPS Administrators do not know where these schools are located and if they did, they would be frightened. He stated that they would do just like Barbara Byrd Bennett, who had 20 police officers surrounding her when she did a walk through around 63rd Street and said that was safe. He stated that he too would feel safe if he had that kind of protection.

Bridgette Staniel-Coleman, a concerned parent **wanted** to know what safety measures are being put into place to protect the children. She asked what is going to be done about safety inside of the schools to protect children from gang members. Her concern is that there are "middle school" students who are in gangs and that security guards and surveillance cameras are not enough. She stated that when children feel unsafe, they bring weapons to school. She also stated that many of the drug dealers and gang members attend both Marconi and Tilton and she was concerned about the chaos this would create.

Angela Bowman-Horne stated She is also concerned about the drugs and gangs in the area, that CPS did not consider this when drawing the map. She stated that the Proposed Attendance Boundary Map does not show the drugs, prostitute or gang areas on it. It also does not show the abandoned buildings. She added that the map is blank and gives the impression that there are apartment buildings and houses in the area. She does not believe that CPS will find many persons willing to risk their lives for \$8.00 an hour to protect children because they are up against gangs and drug dealers with guns.

Danielle Pate-Horton was also concerned about the children's safety. Although she was rather verbose in stating her opposition, she reiterated what the other speakers stated

about safe passage for student of Marconi going into the Tilton boundary. She recalled that while marching with community leaders to protest the school closings, there were drug dealers selling drugs near Tilton.

FINDINGS AND RECOMMENDATIONS:

The Hearing Officer makes the following findings concerning the CEO's proposal to close Marconi Elementary Community Academy:

The powers of the Board of Education are enumerated in statutory provisions under the School Code of the State of Illinois 105 ILCS 5/34-18. The Board has the power to develop and implement policies involving the closure of existing schools. This type of action includes school closings made to relieve overcrowding or underutilization of facilities. This can be done in order to meet current or projected demographics patterns within the District. The policy must be based on the state of existing facilities, projected enrollments, and available resources for improvement of schools. Enrollment is a factor the Board may consider, with other factors and conditions, in the exercise of this power (105ILCS 5/34 230). The Board's proposal to close Marconi based on underutilization is an example of "School Action" that requires compliance with these statutory provisions.

The evidence presented by the CEO has satisfied all of the necessary notice requirements as mandated by Law. The legal requirements for notice of community meetings and public hearing pursuant to 105 ILCS 5/34-230 has been satisfied. Notice was sent to the following: Parents/legal guardians of both schools, all Administrators and staff, designated Public Officials, and the general public, through mail, electronic notification on the Board' website, electronic mail, and school specific hearings at centrally located offices of the Board as specified in the notice. These notices also contained the Transition Plans and the Draft Guidelines for School Actions 2012-2013 School Year.

The Transition Plans for Marconi addresses the General concerns of students, parents, faculty and staff, but without specificity. While CPS has stated that as part of its Transition Plan, it intends to reach out to Chicago Police Department, individuals, and other community and faith based organizations to work together on a "safe passage" program for Marconi students, this Plan is broad and vague. Although the Plan addresses general safety concerns, parents, teachers and the Alderman, all have expressed concerns that the Board will not deliver on its proposal for safety. However, Ms. Washington has stated that OSS will review, and update safety technology systems to make enhancement as appropriate.

She further stated that OSS would be on hand to address specific safety concerns raised by students and staff. Starting in the 2013-2014 school year, OSS will work with Tilton Administration and the community to designate specific intersections for safe passage support. CPS is aware of the problems and challenges that inner city school students face and has shown a willingness to address these issues.

While, the problems that plague the Marconi and Tilton community are far beyond the abilities of CPS to solve, CPS nevertheless has a moral obligation to address these safety

issues as best as possible. Although the Transition Plan including the safety measures are not as specific as the opponents of the Closure would like, CPS has made a good effort to address these safety concerns.

It is uncontested that Tilton is a "higher" performing school than Marconi is. Alderman Ervin expressed concerns that the students at Marconi have special needs that require additional attention and resources to address. Under the School Code, it is required that the receiving school must be a higher performing school than the transferring school. Ms. Washington has stated that these issues will be addressed during the transition process to help make the transition from Marconi to Tilton as smooth as possible.

Based on the 2011-2012 Performance Policy, Marconi received a Level 3 rating, while Tilton received a Level 2 rating. Under CPS Performance Policies, schools are ranked based on a variety of student outcome measures, including standardized test scores and student attendance. The highest performing schools are designated as Level 1 schools while the lowest performing schools are designated as level 3 schools. In this case, Marconi has a Level 3 rating while Tilton has a Level 2 rating, therefore the performance Criteria has been met..

For the foregoing reasons, the Hearing Officer finds: that the CEO has complied with all requirements of 105 ILCS 5/34-230 and the CEO's Guidelines for School Action. The CEO has followed all proper procedures and relevant mandates; therefore, the CEO has presented clear and convincing evidence in support of the Closure.

Dated: April 29, 2013



Cheryl A. Starks

Independent Hearing Officer