

**PROCEEDINGS BEFORE THE BOARD OF EDUCATION OF
THE CHICAGO PUBLIC SCHOOLS**

Independent Hearing Officer's Report

**RE: Anthony Overton Elementary School
Proposed School Action (CLOSURE)**

Anthony Overton Elementary School ("Overton") is located in facilities at 221 E. 49th St., Chicago, IL 60615. This school has 431 students enrolled, as of the 20th day of attendance for the 2012-2013 school year. Overton serves students from pre-kindergarten through eighth grade.

Irving C. Mollison Elementary School ("Mollison") is located in facilities at 4415 S. Dr. Martin Luther King Jr. Drive, Chicago, Illinois 60653. This school has 258 students enrolled, as of the 20th day of attendance for the 2012-2013 school year. Mollison serves a student population from kindergarten through the eighth grade.

The Chief Executive Officer of the Chicago Public Schools (the "CEO") contemplates proposing to the Chicago Board of Education (the "Board") closing of Overton. These proceedings involve issues and concerns relating to the proposed closure of Overton and the assignment of its students to Mollison. Underutilization of Overton's facility (building) is the basis advanced for the proposed closure. The building is described as half full and requires \$17.4 million to maintain and update.

The following details examine and summarize the evidence presented during the course of two community meetings and a public hearing presided over by this Hearing Officer.

COMMUNITY MEETINGS AND PUBLIC HEARING:

The written evidence in these proceedings includes verbatim transcripts and written summaries of community meetings held on April 8, 2013 and April 12, 2013. A wide range of ideas and thoughts were expressed by speakers during the community meetings. Overwhelmingly, they expressed the need for quality education and if implemented, the belief that the proposed closure will cause safety hazards. There were speakers who did not specifically address the issue of closing Overton, but challenged CPS' overall policies relating to school closures.

On April 19, 2013 the undersigned conducted the required public hearing, relative to the proposed closure. The attorney for the CEO made an opening statement, presented witnesses, and submitted written evidence in support of the proposal. During this phase of the proceedings, the following documents were tendered and received into evidence:

A. Notices of Hearing

1. Notice Letter to Parents or Guardians of Students at Pershing West Elementary School and Pershing East Elementary School dated March 21, 2013 and Draft Transition Plan for the Proposed Closure of Pershing West Elementary School and Relocation of

Pershing East Elementary School

2. Notice Letter to School Administrators, Faculty, Staff, and Local School Council Members at Pershing West Elementary School and Pershing East Elementary School dated March 21, 2013 and Draft Transition Plan for the Proposed Closure of Pershing West Elementary School and Relocation of Pershing East Elementary School
3. Affidavit of Jeff Broom, Performance Data Analyst for Chicago Public Schools Regarding Mail and/or Personal Delivery of Notice Letters to Parents/Guardians, School Personnel and Local School Council Members of Pershing West Elementary School and Pershing East Elementary School on or about March 21, 2013
4. 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
5. Affidavit of Jason Van Patten, Director of Web Services for Chicago Public Schools Regarding Publication of: (a) Draft Guidelines for School Actions on or about October 31, 2012, (b) Guidelines for School Actions on or about November 30, 2012, (c) Proposals on or about March 21, 2013, and (d) Summaries from Community Meetings on or about April 8, 2013 and April 12, 2013
6. Public Notice of Hearing and Community Meeting by Newspaper Publication in the Chicago Sun-Times beginning April 3, 2013

B. RELEVANT LEGAL AND PROCEDURAL DOCUMENTS

7. 105 ILCS 5/34-18 ("Powers of the Board"), effective July 13, 2012
8. 105 ILCS 5/34-200 ("Definitions"), effective July 13, 2012

9. 105 ILCS 5/34-225 ("School Transition Plans"), effective November 30,2012
10. 105 ILCS 5/34-230 ("School Action Public Meetings and Hearings"), effective August 22, 2011
11. 105 ILCS 5/34-232 ("Proposed School Action Announcement and Notice; 2012-2013 School Year"), effective November 30,2012
12. Chicago Board of Education School Performance, Remediation, and Probation Policy for the 2011-2012 School Year (Policy Manual Section 302.6A, Board Report 10-0728-PO4)
13. Chicago Board of Education Policy on Review and Establishment of School Attendance Boundaries (Policy Manual Section 703.2, Board Report 05-0622-PO1)
14. Chicago Public Schools Space Utilization Standards (Issued December 28,2011)
15. Guidelines for School Actions, 2012-2013 School Year (Issued November 30, 2012)
16. Chief Executive Officer's Procedures for Public Hearings on Proposed School Closure, Consolidation, Phase-Out, or Reassignment Boundary Change

C. DOCUMENTS AND WRITTEN EVIDENCE IN SUPPORT OF THE PROPOSAL

17. Proposed Closure of Pershing West Elementary School
18. Summary of the April 8, 2013 Community Meeting regarding the Proposed Closure of Pershing West Elementary School
19. Transcript of the April 12, 2013 Community Meeting regarding the Proposed Closure of Pershing West Elementary School
20. Summary of the April 12, 2013 Community Meeting regarding the Proposed Closure of Pershing West Elementary School
21. Written Statement of Ashley Richardson, Portfolio Planner for the Chicago Public Schools
22. Presentation Accompanying Ashley Richardson's Written Statement
23. Map of Proposed Attendance Area Boundary Change
24. Written Statement of John Price, Chief of Schools of the Burnham Park Elementary Network for the Chicago Public Schools
25. Presentation Accompanying John Price's Written Statement

26. Anthony Overton Elementary School and Mollison Elementary School Performance Policy Report

This evidence was reviewed and considered by the undersigned.

EXAMINATION OF CHIEF EXECUTIVE OFFICER'S EVIDENCE:

The school community designated public officials and the general public received proper notices. This was accomplished through various methods of transmission, including mail, electronic mail, personal service, newspaper publications and CPS' website. These Notices contained the proper Transition Plan and Draft Guidelines for the proposed closure.

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 can be done in order to meet current or projected demographic 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 (105 ILCS 5/34-18-24). Certain decisions and implementations by the Board are designated as "school action". This type of action includes school closings made to relieve underutilization of space (105 ILCS 5/34-200). The proposal to close Overton is an example of "school action" and requires compliance with these statutory provisions.

The Chief Executive Officer is required to publish Guidelines for school action and to announce them by November 1 of each year (105 ILCS 5/34-230 (a)). On October 31, 2012, this was done

in a Notice to the School Community that was disseminated as required, including publishing in newspapers. The Notices invited public comments at two designated community meetings, and a Hearing at the centrally located office of the Board. The community meetings and the public hearing took place as specified in the Notices.

Ashley Richardson, a Portfolio Planner for the CPS, made the following comments in support of the proposed school action. The CEO may propose to close a school for underutilization if the impacted students have the option to enroll in a higher-performing school. The resulting space utilization is required to be within the efficiency range as defined by the CPS Space Utilization Standards. Overton has 431 students enrolled. The efficiency range for Overton, employing the formula under the Space Utilization Standard, is 720-1080 (students). Currently, Overton is well below the efficiency range. Mollison now has 237 students. The enrollment efficiency range of the Mollison facility is between 432-648 students. The combined enrollments of Overton and Mollison is 577 (Note: This number does not jibe with the respective enrollment figures of $431 + 237 = 668$). The 577 student number is within the efficiency range. (Note: The 668 student number is not.) Further, for the projected 2013-2014 school year, the combined projected enrollment (Overton 348 and Mollison 266) is 614 and that number is within the enrollment efficiency range. Also, it is proposed that the Overton attendance area is assigned to Mollison.

Multiple sources yielded different numbers for student enrollment at Mollison. Treatment of the Childcare Center may account for differences although it is located in a different facility. Nevertheless, the projected combined student enrollment fits within the efficiency range at the Mollison facility.

John Price, the Chief for the CPS Burnham Park Elementary Network, made comments in support of the proposed school action. Overton is one of the 35 schools that he manages in the Burnham Park Network. Overton fits the criteria of the CEO's Guidelines for school action because it is underutilized based upon CPS Space Utilization Standards. Mollison has enough space to welcome Overton and the resulting combined student enrollment will not exceed the facility's enrollment efficiency range. He reiterated that Mollison is a higher-performing school than Overton and delved into the variables used to extract this determination. If the school action is approved, the Overton students will receive additional support at Overton for the remainder of the school year and at Mollison during the next school year. There is a plan to provide resources to address safety concerns, academic, social and individual needs. The CPS Office of Safety and Security (OSS) has worked with the Chicago Police Department and will review and update safety measures, address specific concerns and provide safe passage for students and staff. He detailed specifics regarding academic support (additional executive and administrative personnel), discretionary funds, intervention groups or peace circles. The CEO believes that this proposed school closure will help the District better serve all students and is prepared to assist students with additional support as they transition.

PUBLIC COMMENTS:

It is a most difficult undertaking to summarize the emotional public comments spoken during the two community meetings and the public hearing conducted by the undersigned. Overwhelmingly, the concerns expressed were fear for the safety and physical well being of Overton's students. The descriptions uttered included such statements as "they go to get shot," "sending them to be

murdered," gang territory, neighborhood is not safe, harsh conditions, war zone, safe passage (no), lots of fighting and disaster. The speakers were complimentary of the quality of education and the current condition of safety at Overton. They felt that the education taking place at Mollison is less and the available space is inadequate. There were additional comments adverse to the Board's policies regarding school closings.

The closing of the public hearing was stayed until April 22, 2013 at 5 pm to allow the filing of additional submissions relative to these proceedings.

During the public hearing, the Hearing Officer inquired if the CPS has a history of employing the proposed safety measures and was they successful. Pursuant to this inquiry a letter from the CEO was tendered for the record. The undersigned received this letter and allowed it into evidence.

The CEO, through her attorney, represents that currently 35 high schools and 4 elementary schools have Safe Passage Support. It is further represented in the data for high schools that the Safe Passage Support attained positive results. The school year 2010-2011 data indicates a 7% increase in attendance, a 20% decrease in reported crime in the immediate vicinity of schools and a 27% decrease in serious student incidents during the hours Safe Passage Support occurred.

CONCLUSION:

There are two issues that are somewhat problematic and require further reflection. In view of extreme concerns, relative to safety, are the pledged additional resources reasonably sufficient

to allay the fears expressed? Secondly, in view of the respective current academic standings of Overton and Mollison, is Mollison is a higher-performing school in a substantive or meaningful way?

The public comments expressed outrage and a profound concern for the safety of the Overton students. In the additional submission, the CEO countered with information indicating that the Safe Passage support has a history of working. This program partners with community and faith-based organizations to station adults along routes that students use to walk to and from school. Although the issues are difficult and variable, the Safe Passage Support fosters an atmosphere conducive to safe passage of students and is most encouraging.

At this time, both Overton and Mollison are in the lowest academic performance rating (Level 3) and both are "on probation." Level 3 is the lowest performing rating utilized. Mollison earned 47.6% and Overton 35.7% on the CPS Performance Policy. The Performance Policy is a compilation of 14 metrics on which schools are evaluated. The ISAT score is a composite score resulting from reading, mathematics and science assessments. Mollison's composite score is 66.9% and Overton's composite score is 59.0%. Although both schools are in the lowest academic rating (Level 3) and on probation, between the two of them, Mollison is technically and mathematically a higher-performing school.

The CPS Guideline for School Actions is consistent with the Illinois School Code (105 ILCS 5/34-230). Under the Guidelines the CEO will consider certain criteria when recording school action, including closure. A school may be considered for closure if it is underutilized based upon CPS Space Utilization Standards. The CEO may only propose a closure if the students impacted by closure have the option to enroll in a higher-performing school and the resulting

space utilization, after closure, will not exceed the facility enrollment efficiency range as defined by the CPS' Space Utilization Standards (Guidelines, Constraining Factors (a) & (b)).

Hovering over these proceedings is CPS' often stated commitment to ensure that every student in every neighborhood receives a high-quality education that prepares them to succeed in college, careers and life. Delivery is difficult, but the commitment is noble. Students are told, that for justifiable reasons, your school will be closed, but there is an accompanying benefit. You have the option of attending a higher-performing school. Attending a higher performance school will enhance your education. We must ask, is it relevant or significant that the higher-performing school is rated in the lowest academic level and is on probation? This is tantamount, using a food metaphor, to the promise of an omelet with a crisp waffle. Then what is actually delivered are broken eggs, whose contents are oozing out and a burnt pancake.

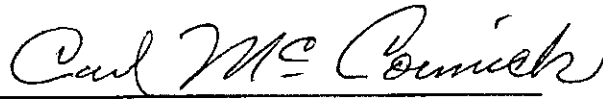
What is meant by or what are reasonable expectations for students who transition to a higher-performing school? The possibilities are limited. The students' educational prospects are enhanced, remain the same or diminished. The promise, the reasonable expectation, is that it will be enhanced. Otherwise the concept of a higher-performing school is meaningless in this context. It is unlikely and unlikely that a low academic performing school, on probation, will provide enhancement to transitioning students' education.

If the concept of a higher-performing school is to have substantive meaning, the mere fact of a mathematical variance between two schools with low academic performance and on probation is insufficient to be deemed a higher-performing school for the purpose of school action.

Here, Mollison is not a higher-performing school, as required under CPS Guidelines, under the

circumstances of the proposed school action. The CEO has not complied with requirements of statutory law that incorporates these Guidelines by reference 105 ILCS 5/34-230 (b).

Dated: May 2, 2013

A handwritten signature in cursive script, reading "Carl McCormick", is written over a horizontal line.

Carl McCormick

Independent Hearing Officer