



**Board of Education of the City of Chicago
Law Department**

James L. Bebley
General Counsel

125 South Clark Street, Suite 700
Chicago, IL 60603
Telephone: 773/553-1700
Fax: 773/553-1701

MEMORANDUM

Date: May 6, 2013

From: James L. Bebley, General Counsel

Re: Response to the report from the hearing to elicit public comment on the proposal to close Anthony Overton Elementary School

Hearing Officer Carl McCormick conducted a public hearing on the proposal to close Anthony Overton Elementary School ("Overton") on April 19, 2013. The Report was received on May 3, 2013. The Report includes a determination that the Chief Executive Officer ("CEO") did not comply with the *Guidelines for School Actions, School Year 2012-2013* ("Guidelines") in the following respect: when Overton students are welcomed at Irvin C. Mollison Elementary School ("Mollison"), they will not be attending a higher performing school.¹

After reviewing the Report and the materials submitted during the hearing, I respectfully disagree with the Hearing Officer's determination, and conclude that the Hearing Officer exceeded the scope of his authority by failing to apply the law and Guidelines as promulgated.

The stated purpose of the public hearing is "to elicit public comment . . . on a proposed school action . . ." 105 ILCS 5/34-230(e). The Hearing Officer's role is to issue a report "that summarizes the hearing and determines whether the chief executive officer complied with the requirements of [105 ILCS 5/34-230] and the guidelines." *Id.* at (f)(4). The Guidelines clearly define what a higher performing school means. The Guidelines note that "if the 2011-2012 school year level on the Performance Policy is equal, higher

¹ The Hearing Officer's report notes that documents regarding Pershing West and Pershing East were submitted and received into evidence. This is incorrect. As demonstrated in CEO's Compiled Exhibit 1, documents regarding Overton and Mollison were submitted and received into evidence.

performing means performing higher on the majority of the following metrics: for elementary schools – for the 2011-2012 school year, percentage of points on the Performance Policy, ISAT composite meets or exceeds score, Value Added reading, and Value Added math.”

As noted in John Price’s written statement submitted in support of the proposal, Mollison scored higher on all four of these metrics, as noted below, and thus is a higher performing school per the CEO’s Guidelines. *See* CEO’s Compiled Exhibit 1 at tab 24.

- Percentage of points the school received on the Performance Policy
 - Overton: 35.7%
 - Mollison: 47.6%
- ISAT composite meets or exceeds score
 - Overton: 59%
 - Mollison: 66.9%
- Value-Added score in reading
 - Overton: -1.4
 - Mollison: -0.3
- Value-Added score in math
 - Overton: -.88²
 - Mollison: 0.5

The Hearing Officer’s determination ignored the definition of “higher performing” in the Guidelines. The Hearing Officer substituted his judgment for the CEO’s in applying a different standard to higher-performing schools than the one expressed in the Guidelines.

It is my view that the Hearing Officer’s reported conclusion is incorrect. However, Chicago Public Schools will consider the Hearing Officer’s views along with other information in the Report.

² In the CEO’s Compiled Exhibit 1, Tab 25, this number is rounded to -0.9.