

**BEFORE THE
BOARD OF EDUCATION OF THE CITY OF CHICAGO**

In the Matter of:)	
)	
The Hearing to take Public Comment)	Daniel J. Kelley
On the Proposal to Close)	Hearing Officer
Benjamin Banneker Elementary School)	April 2013
And Relocation of Benjamin E. Mays)	
Elementary Academy)	

**Hearing Officer's Report and Recommendation
To the Chief Executive Officer
Regarding the Proposal to Close
Benjamin Banneker Elementary School and
Relocation of Benjamin E. Mays Elementary Academy**

INTRODUCTION

On April 19, 2013, at 5:30 p.m., the undersigned, an attorney licensed to practice law in the State of Illinois, convened as hearing officer, a public hearing at 125 South Clark Street, Chicago, Illinois to receive comment from interested persons regarding the proposed closure of Benjamin Banneker Elementary School and relocation of Benjamin E. Mays Elementary Academy. A Certified Shorthand Reporter transcribed the hearing. Notice of this hearing was sent to parents and/or guardians on March 21, 2013.¹ Notice of this hearing was also provided to administrators, staff, faculty and local school council members on March 21, 2013.² Notice of this hearing was sent to the State Senator, State Representative and Chicago City Council Alderman representing the district in which Parkman Elementary is located. A summary of the proposed school action was published in the Chicago Sun Times on April 3, 2013.³ Preceding the public hearing, the CEO of Chicago Public Schools conducted two community meetings, one on April 10, 2013, and the second on April 15, 2013. Both meetings were held at Harper High School, 6520 South Wood Street, Chicago, Illinois.

The public hearing was conducted pursuant to 105 ILCS 5/34-230, and Procedures for Public Hearings on Proposed School Closure, Consolidation, Co-Location, Phase-Out, or Reassignment Boundary Change. The Hearing Officer is charged with preparing a written report summarizing public comments and documents received at the hearing and determining whether the CEO complied with the requirements of 105 ILCS 5/34-230 and the Chief Executive Officers Guidelines for School Actions.

¹ See Tab 1.

² See Tab 2.

³ See Tab 6.

RELEVANT STATUTES

105 ILCS 5/34-18 (2012) (“Powers of the Board”), effective July 13, 2012.⁴

105 ILCS 5/34-200 (2012) (Defines “School Closing” and “School Action”) effective July 13, 2012.⁵

105 ILCS 5/34-225 (2012) (“School Transition Plans”) effective November 30, 2012.⁶

105 ILCS 5.34-230 (2011) (“School Action Public Meetings and Hearings”) effective August 22, 2011.⁷

105 ILCS 5/34-232 (2012) (“Proposed School Action Announcement and Notice; 2012-2013 School Year”) effective November 30, 2012.⁸

PERTINENT CHICAGO PUBLIC SCHOOLS POLICIES AND PROCEDURES

Chicago Public Schools Policy Manual School Performance, Remediation and Probation Policy for the 2011-2012 School Year (Section 302.6A; Board Report 10-0728-PO4).⁹

Chicago Public Schools Policy Manual Review and Establishment of School Attendance Boundaries (Section 703.2; Board Report 05-622-PO1).¹⁰

Chicago Public Schools Space Utilization Standards (issued December 28, 2011).¹¹

Guidelines for School Actions, 2012-2013 School Year.¹²

⁴ See Tab 7.

⁵ See Tab 8.

⁶ See Tab 9.

⁷ See Tab 10.

⁸ See Tab 11.

⁹ See Tab 12.

¹⁰ See Tab 13.

¹¹ See Tab 14.

¹² See Tab 15.

Chicago Public Schools Office of the Chief Executive Officer Procedures for Public Hearings on Proposed School Closure, Consolidation, Co-Location, Phase-Out, or Reassignment Boundary Change.¹³

EXHIBITS

On April 19, 2013 the Chicago Board of Education Law Department tendered, and the Hearing Officer received into the record, the CEO's compiled Exhibit 1, a binder of documents in support of the proposed school action.

A. NOTICES OF HEARING

1. Notice to Parents / Guardians. (*See* Tab 1).
 - a. Notice letter to Parents/ Guardians of Students at Benjamin Banneker Elementary School and Benjamin E. Mays Elementary Academy dated March 21, 2013.
 - b. Draft Transition Plan for the Proposed Closure of Benjamin Banneker Elementary School and Relocation of Benjamin E. Mays Elementary Academy
2. Notice to School Personnel, Local School Council Members and Board Members. (*See* Tab 2)
 - a. Notice letter to Administrators, Faculty, Staff, and Local School Council Members dated March 21, 2013.
 - b. Draft Transition Plan for the Proposed Closure of Benjamin Banneker Elementary School and Relocation of Benjamin E. Mays Elementary Academy
3. Affidavit of Jeff Broom, Performance Data Analyst at the Chicago Board of Education. (*See* Tab 3).
 - a. Re: Notice to Parents / Guardians sent by Lowitz & Sons, Inc. on March 21, 2013.
4. Affidavit of Leonard Langston, Chief of Staff for Public and Community Affairs at the Chicago Board of Education. (*See* Tab 4).
 - a. Re: Notice to State Senator; State Representative; Chicago City Council Alderman. (*See* ¶ 3).

¹³ *See* Tab 16.

5. Affidavit of Jason Van Patten, Director of Web Services at the Chicago Board of Education. (See Tab 5).

a. Re: Notice Published on
<http://cps.edu/qualityschools/Pages/qualityschools.aspx> on March 21,
2013. (See ¶ b).

6. Public Notice of Hearing and Community Meetings by Newspaper Publication in the Chicago Sun-Times on or about April 3, 2013.

B. RELEVANT LEGAL AND PROCEDURAL DOCUMENTS (TABS 7-16)

C. DOCUMENTS AND WRITTEN EVIDENCE IN CONNECTION WITH
PROPOSED CLOSURE OF BENJAMIN BANNEKER ELEMENTARY SCHOOL
AND RELOCATION OF BENJAMIN E. MAYS ELEMENTARY ACADEMY.

17. Stenographic Report of Proceedings for the Hearing held on April 10, 2013 at Harper High School, 6520 South Wood Street, Chicago, Illinois.

18. Summary of Community Meeting for the Proposal to Close Benjamin Banneker Elementary School and Relocation of Benjamin E. Mays Elementary Academy held on April 10, 2013.

19. Stenographic Report of Proceedings for the Hearing held on April 15, 2013 at Harper High School, 6520 South Wood Street, Chicago, Illinois.

20. Summary of Community Meeting for the Proposal to Close Benjamin Banneker Elementary School and Relocation of Benjamin E. Mays Elementary Academy held on April 15, 2013.

21. Written Statement of Benjamin Felton, Portfolio Planner for the Chicago Public Schools.

22. Enrollment History PowerPoint Slide.

23. Current and Proposed Attendance Area Boundaries.

24. Written Statement of Adrian Willis, Chief of Schools for the Chicago Public Schools, Englewood-Gresham Elementary Network.

25. Proposal for School Closure

26. Performance Policy –

2012 Elementary School Performance Policy Report – Benjamin Banneker Elementary School (School Id. 610265).

**SUMMARY OF THE HEARING ON THE PROPOSAL TO CLOSE BENJAMIN
BANNEKER ELEMNTARY SCHOOL, WELCOME THOSE STUDENTS AT MAYS
ELEMENTARY SCOOOL, AND THEN RELOCATEMAYS TO THE CURRENT
BANNEKAR ELEMENTARY BUILDING**

BOARD PRESENTERS

Benjamin Felton

Portfolio Planner for the Chicago Public Schools.

Mr. Felton reported that the targeted enrollment efficiency range of the Banneker facility is between 552 - 828 students. As of the 20th day of attendance for the 2012-2013 school year, the enrollment of Banneker was 337 students. Mr. Felton explained that the CEO of the Chicago Public Schools has proposed that Banneker's students be welcomed by Benjamin Mays Elementary Academy. Accordingly, if the plan were to be approved the resulting students coming from Banneker to Mays would not cause Mays to exceed its enrollment efficiency range.

Mr. Felton stated that Mays will be relocated from its present location to the current Banneker facility located at 6656 South Normal Blvd.

Mr. Felton stated that causing the 337 students from Banneker to join the 307 students at Mays will result in a total enrollment of 644 students. Mays' efficiency standard is between 552 - 828 students. 647 students is within the enrollment efficiency range.

Adrian Wilson

Chief of Schools for the Chicago Public Schools, Englewood-Gresham Elementary Network.

Mr. Wilson stated that Banneker fits the criteria of the Chief Executive Officer's Guidelines for School Actions because it is underutilized based upon the CPS Space Utilization Standards. Mr. Wilson further stated that based upon the CPS Performance Policy, Banneker received a Level 3 rating (poorest on CPS scale) based on its performance during the 2011-2012 school year, while Mays also received a Level 3 rating. Thus, the higher performing school under the CPS guidelines is the one that performed higher on the majority of four performance metrics.

Mr. Wilson stated that the four performance metrics are:

1. The percentage points the school received on the Performance Policy;
2. The ISAT composite meets or exceeds scores;
3. The Value-Added score in reading; and
4. The Value-Added score in math.

Mr. Wilson stated that Mays performed higher than Banneker in 2011-2012 on three of the four metrics.

Criteria	Banneker	Mays
% points on Performance Policy	42.9%	45.2%
ISAT scores	54.6%	71.6%
Value Added Score in Reading	-1.1	-0.3
Value Added Score in Math	-0.3	-0.3

If the proposal to close Banneker is approved, the students will receive additional support at Banneker during the remainder of the 2012-2013 school year and at Mays next year. Mr. Wilson stated that the CPS Office of Safety and Security has worked with the Chicago Police Department, Department of Family and Support Services, local community groups and faith partners, elected officials, and other sister agencies to develop a plan for the safe transition of students.

Mr. Wilson further stated that if the proposal is approved, CPS will work to provide the following for students:

1. OSS will review and update school safety audits, security personnel allocation, and school safety technology systems and make enhancements;
2. OSS will be available to address specific safety concerns raised by students and staff;
3. OSS will provide safe passage supports for students and staff traveling to and from school.

Students will also receive additional academic support, including the following:

1. A Principal Transition Coordinator will be assigned to help the Banneker principal maintain Banneker's academic rigor for the remainder of the school year.
2. Mays administration will receive comprehensive, student specific data on all transitioning students to allow staff to proactively identify individual student needs and prepare to meet those needs.
3. Principals will receive discretionary resources to provide direct academic support to students.

Mr. Wilson further stated that students will also receive social and emotional support in order to help them adjust to the new school environment. Specifically, the following will be provided to students:

1. CPS will help school staff members facilitate intervention groups aimed at helping student's transition.
2. CPS will help staff members implement restorative practices to encourage peer-to-peer problem solving.
3. Groups of students in need of more individualized attention will be provided with access to highly structured interventions.
4. CPS will provide resources to Mays leadership to implement culture-building activities.

Finally, Mr. Wilson concluded that Banneker is underutilized and the combined enrollment of Banneker and Mays at the 6656 South Normal Boulevard facility will not exceed the facility's enrollment efficiency range.

PUBLIC SPEAKERS

Tiraneisha Miles

Ms. Miles is a seventh grader at Banneker Elementary. She stated that she feels as if Banneker is home and that she would be upset if the school were to close.

Aaliyah Bailey

Ms. Bailey is a seventh grader at Banneker Elementary. She stated that she feels as if the teachers at Banneker are parents. She stated that there are 50 students in a class and Mays brings more, so it's going to be hard for students to learn.

Davon Allen

Mr. Allen is a third grader at Banneker Elementary. He stated that his teachers always take the time to point out and explain the things they need to know.

Timothy McCulter

Mr. McCulter is a fourth grader at Banneker Elementary. He stated that Banneker can give the students an education that no other schools can give because the school is like a family.

Kathryn Fox

Ms. Fox is a third and fourth grade teacher at Banneker Elementary. Ms. Fox stated that she just signed her first contract with Banneker and the day of her interview she witnessed 337 students in an assembly reciting the school pledge. She expressed that she was proud that the children knew the school pledge by heart and knew that Banneker was the school she wanted to teach at.

Ms. Fox noted that she has taught in many different school districts as a result of her husband's job and that she loves Banneker. She stated that the staff is putting in the hours and that the children situation at Banneker is different than that of other schools. She stated that her students are already experiencing growth.

Kamron Moore

Mr. Moore is a third grader at Banneker Elementary. He stated that his grades have improved since he transferred to Banneker and his score on the NWEA test has improved as well.

Kimberly Love

Ms. Love is the parent of Mr. Moore. She stated that she has had two children graduate from Banneker and those two students had to be escorted to and from school because she lives past Halstead. She stated that she had issues with gangs in the past. She stated her family moved to the other side of Halstead so that Kamron can attend Banneker. She expressed concern about the safety of her children.

Wandacheyane Felton

Ms. Felton is the clinical nurse at Banneker Elementary. She stated that Banneker is like a family and that the teachers and faculty treat the children as their own. She implored the CPS to nurture the children of Banneker.

Shenelia Pollard

Ms. Pollard is the parent of four children at Banneker Elementary, as well as an LSC chair person. She presented the hearing officer with a diagram reflecting the utilization of the first floor of Banneker, as well as the second and third floor. She stated that the first floor has classroom space of 12, which only 41% is not utilized. She stated that on the second floor there are 13 rooms of space – of which only 30% is not being utilized.

She stated that on the third floor, there are 13 spaces available, of which 46% is not utilized. The total number of utilization is 60%. She stated that 76% of the school is being utilized.

Sherita Walker

Ms. Walker is a parent of a student at Banneker Elementary. She stated that she is concerned for the safety of her children and other children at Banneker Elementary. She referenced a video that had over 84,000 views as of April 15, 2013. She stated that Banneker and Mays are located in different gang territories.

Ms. Walker stated that Banneker has been a neutral ground for the past six years because they have a zero tolerance level and maintained a safe passage for all of the students and the community members. The closure of Banneker will result in certain safety risks for the students of Banneker.

Taneisha Smith

Ms. Smith is the parent of a student at Banneker Elementary. Ms. Smith stated that Banneker has been a safe school for the past six years and referenced the case of Ryan Harris. Ms. Smith noted that Banneker has two after-school music programs, a gym, visual art classes, art programs, computer labs, an after school technology program and provide additional counseling to parents and students who need the support.

She stated that the school provides supplies, counseling, food and even money to people that need it.

Randall Dyer

Mr. Dyer is the technology coordinator at Banneker Elementary. He stated that he is unhappy with the perception that Banneker is not doing certain things and instead he has decided to point out what Banneker is doing well. He stated that Banneker has provided for its students. He noted the current community partnerships Banneker has.

Mr. Dyer noted that CPS has not provided the tools to allow the students to exceed and that they needed to reach out to outside groups in order to allow the students to excel. He stated that to take Banneker out of the community will result in the children losing the pillar upon which they depend for strength.

Brian Sturgis

Mr. Sturgis is a senior at Paul Robeson High School and former student at Banneker Elementary. He stated that Banneker was like a second home to him. He expressed concern that a school already facing 30 plus students per classroom with only five empty classrooms will not have room for another elementary school. He stated that the decision to close Banneker will leave students uneducated.

Mr. Sturgis stated that CPS needs to invest in its schools and not give up on them. He noted that Banneker was a life changing experience for him and one that cannot be judged based upon a test score. He also stated that closure of Banneker will result in students being forced to cross different gang territories.

Tia Grant

Ms. Grant is a former student at Banneker Elementary. She stated that her mother went to Banneker and her aunt and uncle went to Banneker. She stated that Banneker is a part of her family.

Ms. Grant noted that she was accepted into the IB program as a result of her education at Banneker. She noted that she is in the top ten of her graduating class and will be attending Ball State University on scholarship in the fall.

Teiara Grant

Ms. Grant is a former student at Banneker Elementary. She stated that she is devastated of the thought of the teachers of Banneker losing their jobs. She further stated that Banneker provided her the skills that she needed to succeed in high school. She is now a top ten student in her graduating high school class. She noted that she will be attending the University of Illinois – Springfield on academic scholarship this fall.

Tametrius Files

Ms. Files is a former student at Banneker Elementary. He stated that Banneker has provided him the necessary tools that he needed in order to succeed in high school. He stated that he is a national honor society member and ranked 18 in his graduating class. He commended the teachers and staff of Banneker for preparing him.

Latoria Poe

Ms. Poe is a former student at Banneker Elementary. She stated that Banneker is like a home to her and that the teachers are like parents. She stated that she was once a troubled child and Banneker changed her life.

Phyliss Metoyer

Ms. Metoyer expressed concern about the proposal to close Banneker.

Dale Grandys

Ms. Grandys is a physical education and health teacher at Banneker Elementary. He stated that the day the staff was told that the school was going to close the entire staff felt as if they didn't matter. He stated that the students and faculty of Banneker are a family and the students have a sense of belonging to Banneker.

Ms. Grandys stated that the school should be called Benjamin Banneker-Mays, so that the students have sense of ownership.

Renalta Sago

Ms. Sago is a graduate of the Chicago Public School system and a graduate of Brown University. She is currently the representative of the Dictionary project, an international non-profit whose mission is to give every third grader in the US a personal dictionary. She stated that when she stepped into Banneker she was in absolute awe of the love she felt from the faculty and students of Banneker.

Dr. Donald Tyler

Dr. Tyler is a Doctor of Clinical Child Psychology at DePaul University. He coordinates a mentoring project at Banneker Elementary. He stated that the staff, administrators and teachers at Banneker are as caring as any he has ever seen. He further stated that the staff of Banneker should be retained and placed at other schools if the proposal is approved.

Dr. Tyler emphasized that the closure of Banneker will result in gang-related conflict and violence in the community. He stated that every safety measure needs to be in place to ensure the safety of the children if the proposal is approved.

Matthew Luskin

Mr. Luskin is the father of three sons in the CPS school system. He is the union organizer for the Chicago Teachers Union for the Englewood Gresham Network. He stated that he does not believe that Banneker should close and noted that he believes there is a double standard on utilization. He stated that on the south side of the city, if a class size hits 25 students, it is marked as underutilized. He noted that a CPS elementary school less than two miles from the mayor's home is at 100% utilization, which resulted in the school obtaining \$10,000,000 in additional funding.

Mr. Luskin stated that he believes the school closures unfairly target minority communities. He stated that he believes that the hearing does not answer many pertinent questions about the impact the closure of Banneker will have on the students and community.

Shenelia Pollard

Continuation of Ms. Pollard's previous comments. Ms. Pollard stated that Banneker feels like a home to the students and that the children have become comfortable at Banneker. She stated that it is heartbreaking for her to think about the closure of Banneker. She stated that the closure is unfair.

FINDINGS AND RECOMMENDATIONS

The Hearing Officer makes the following findings concerning the CEO's proposal to close Benjamin Banneker Elementary School and the Relocation of Benjamin E. Mays Academy:

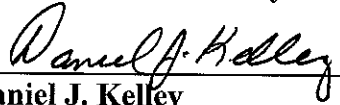
1. The Board has the authority pursuant to 105 ILCS 5/34-18 to develop a policy for the closure of existing schools to meet current and projected demographic patterns within the district. (See Tab 7 – 105 ILCS 5/34-18 (24))
2. The CEO has satisfied the notice requirements as required by statute (105 ILCS 5/34-230) and as mandated by the Board Policy and Guidelines. Notice was provided on March 21, 2013 to parents or guardians, principal, staff and local school council of each

school, as well as to the State Senator¹⁴, State Representative and Alderman for the district in which Banneker and Mays sit.

3. I find that in accordance with 105 ILCS 5/34-225 and Guidelines for School Actions effective November 30, 2012 that the CEO has prepared and disseminated a good and sufficient Draft Transition Plan.
4. I find that the CEO has complied with 105 ILCS 5/34-232 in that the proposed closure of Banneker Elementary School and the relocation of Mays Elementary Academy were announced prior to March 31, 2012; notice of these actions were provided prior to March 31, 2012; and notice was provided at least 15 calendar days in advance of the public hearing.
5. It is the express position of the CEO that the board approve the closure of Benjamin Banneker Elementary, where Banneker's students will be welcomed by Mays Academy.
6. I find that the CEO has complied with requirements of 105 ILCS 5/34-230 and the CEO's Guidelines for School Action.
7. I note that public speaker Ms. Dale Grandys proposed that the school be renamed to Benjamin Banneker-Mays Academy. The Hearing Officer notes that this proposal makes sense and may allow Banneker's students to better identify with their new school if this proposal is approved.

For the foregoing reasons, the Hearing Officer finds that the CEO has followed all proper procedures and relevant mandates, and that the proposal to close Benjamin Banneker Elementary School, welcome those students at Mays Elementary Academy and the relocation of Mays to the current Banneker building is appropriately before the Board.

Submitted this 30th day of April, 2013


Daniel J. Kelley
Hearing Officer

¹⁴ The Hearing Officer notes that copies of the notices sent to the State Senator, State Representative and Alderman were not included in the binder of exhibits presented to me and accepted into the record on April 19, 2013. The notice to these public officials is referenced in ¶ 48 of the affidavit of Leonard Langston (Tab 4). The omission of the notices to these public officials in the CEO's exhibit does not affect the adequacy of their notice.