

**CEO
The Chicago Public Schools**

**From: Gilbert J. Grossi
Independent Hearing officer**

Board of Education
City of Chicago

In Re: Matter of the Proposal
To Close
Miriam G. Canter Middle School

Before
Gilbert J. Grossi
Independent Hearing Officer

At 5:30 p.m. on Wednesday, April 17, 2013, a hearing was convened at the Board of Education of the City of Chicago, 125 South Clark Street, Chicago, Illinois.. The purpose of this meeting was to enable the appointed independent hearing officer to receive public comments from concerned persons, including representatives of the CEO of the Chicago Public Schools,, members of LSCs, parents, students, members of the staff, the principal, teachers and any interested members of the public and community concerning the CEO's proposal that Miriam G. Canter Middle School Located at 4959 S. Blackstone, be closed at the end of the current school year and its current enrollment of approximately 228 students be assigned to either Bret Harte Elementary School located at 1556 E. 56th Street or William H. Ray Elementary School located at 5631 S. Kimbark Ave. , all in Chicago. A Certified Court Reporter transcribed the hearing.. I have attached the applicable law and guidelines at the end of this report.

SUMMARY OF THE EVIDENCE
Public Hearing, 4/17/2013

A. Speakers on behalf of the Chicago Public Schools

1. Wynter Jackson: Deputy General Counsel, Chicago Board of Education, who summarized the evidence to be presented at this hearing, presented a full binder of evidence in connection with the Chief Executive Officer of the Chicago Public School's proposal. She presented evidence of Notice, Illinois Law, CBOE policy, Guidelines, transcripts of the prior community hearings of 4/8, 2013 and 4/12/ 2013 and affidavits of CPS witnesses.
2. Ashley Richardson: Portfolio Planner for CPS.. She explained the evaluation of Canter school under the CEO's Guidelines for Space Utilization. She detailed how Canter's enrollment efficiency range for 2012-2013 was between 312-468 students, while Canter's actual enrolment was 228 students.. Therefore, Canter is underutilized by that standard..She also analyzed both Harte's and Ray School's projected efficiency ranges for 2013- 2014 and determined that they will both still be within their efficiency ranges after Canter's students are added . She recommends closure based on this..
3. John Price: Chief of Schools for the CPS, Burnham Park Elementary Network. He reiterated that Canter fits the CEO's Guidelines because it is underutilized under the CPS Space Utilization Standards. He further confirmed that both Ray and Harte would be able to handle the influx of students from Canter next year and still be within their facilities' enrollment efficiency range. He further explained that Canter is a Level 3 school, while both Harte and Ross and Level 2 schools, which are higher rated., based on the CPS performance policy.

Therefore, Canter students will be going to a higher performing school. He then described the support which Canter students will receive from CPS next year to aid in the transition. He listed safety measures which will be taken in conjunction with the Chicago Police Dept., Safe supports for students, shuttle buses, academic supports such as a Principal Transition Coordinator, tutors, instructional coaches, and social and emotional supports, stressing individualized attention. He recommends closure.

B. Speakers and Written Evidence from the Public

1. Written Evidence

- * Letter from Todd Schwebel describing being struck in the crosswalk at Ray, claiming safety issues.
- * Documents and graphs showing improving reading and math scores at Canter
- * Letter from the Hyde Park-Kenwood Community Conference adopting a resolution against Canter closure., recommending adding 6th grade to Canter and keeping it open.
- * 26 letters from Canter students detailing their good grades and attributing those to the dedicated teachers at Canter, the smaller classes and loving, caring environment.
- * Report from the University of Chicago called the "5 Essentials", describing what the essentials for a good school are and how Canter meets those essentials
- * Report called - "The Case for Canter" prepared by HPCARES. The report makes the case for keeping Canter open. The highlights are: claiming that the CPS did not notify

Shoesmith School as required ; challenging CPS utilization numbers; requesting adding a 6th grade to increase Canter's numbers; alleging middle schools better prepare students for high school; raising safety issues; and claiming that the community has not been engaged sufficiently in the process..

2. Post Hearing Emails and Documents

- * Letter from Kristy Papczun , CPS teacher whose husband teaches at Canter, claiming that the children and academics are not being properly considered.
- * Letter from Gordon Mayer- LSC chair at Ray, suggesting phasing out the closure over 2 years.
- * Many of the emails were duplicates of the documents already presented at the hearing, in the "Case for Canter" report ,or raised many of the points raised at the hearing itself.

3.. Other Written Documents

Summary and transcripts of 4/8/2013 Community Meeting

Summary and transcripts of 4/12/2013 Community Meeting

Transcript of Public Hearing of 4/17/2013

4. Public Speakers

Approximately 120 people attended the public meeting, with some 63 speaking publicly.

- * Alderman Leslie A. Hairston- Expressed concern over the speed with which this is

happening; security concerns; impact on the children; and proposes adding a 6th grade from Shoesmith School and not closing Canter; strongly opposes closure of Canter.

* Alderman William D. Burns- says current 7th graders should be allowed to graduate at Canter at a minimum; also alleges that CPS violated the law in not notifying Shoesmith School of the hearings; opposes closure of Canter.

There were several concerns and topics raised by the speakers; First, the children and the impact on them are not being considered; Second, there has not been sufficient dialogue and there questions are not being answered; Third, middle schools have a place and better prepare students for high school; Fourth, safety and security concerns; Fifth, Canter is a caring place with a family-like environment; and great teachers who put the students first and has a top-flight algebra program; Sixth, worried about overcrowding at the welcoming schools; Seventh, Canter can remain open if 6th graders are sent there from Shoesmith School, as this will increase enrollment to within standards.

STATEMENT OF FINDINGS

1. Proper notice of the hearing was given as required by Illinois law, Chicago Public School Policy, and Procedures for school closing to the Principal, staff, parents, LSC, Chicago Teachers Union, Public Officials and the interested public.

2. On April 17, 2013, a public hearing was held at the Board of Education , 125 South Clark

Chicago.

3. There have been two other opportunities for public comment at the community meetings of 4/8/ 2013 and 4/12/2013.

4. The CEO of the Chicago Public Schools has recommended closure..

5. Canter's enrollment is 228 for the 2012-2013 year. The number is below the enrollment efficiency range of 312-468 students and is underutilized based on CPS Space Utilization Standards.

6. Canter's enrollment has declined over 31% over the past ten years..

7. On these bases, Canter meets the CEO's Guidelines and criteria for school closure and is subject to closure..

8. The Ray and Harte Elementary Schools are willing to accept the Canter students.. The combined projected enrollments of both Ray and Harte schools for 2013-2014 , including Canter students , will not exceed the facilities' enrollment efficiency ranges. Therefore, Ray and Harte have space for canter students.

9. Canter is a Level 3 school, while both Ray and Harte are Level 2 schools, so Canter students will be attending a higher performing school based on the CEO's Guidelines.

10. Transportation will be provided for all Canter students to and from school.

11. Canter students will be provided academic, social and emotional supports to aid in the transition, as laid out in the transition plan and testimony of CPS officials at the hearing.

12. Security measures will be taken for the Canter students by the CPS Office of Safety and

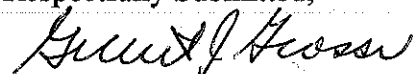
Security , in conjunction with community groups and the Chicago Police Department. This will include Safe Passage supports..

13. Suggestions and topics suggested by the public were passionately expressed and very thoughtful, especially the "Case for Canter" and the proposal to accept 6th grade into Canter to increase enrollment.
14. I am not in a position to assess the feasibility of the 6th grade proposal..Only the CEO and the Board can make that determination, which I urge them to do, if they not already have, before their final decision
- 15..Other than that, the academic and safety concerns expressed by the public can be dealt with effectively by the CPS, in conjunction with the welcoming schools of Ray and Harte., the teachers and staff there , the Chicago Police Department and community groups.

RECOMMENDATIONS

With appropriate consideration to the passion, time and effort put in on both sides of this question, with the proviso concerning the 6th grade proposal aside, the Hearing Officer, finding that the CEO's proposal complies with 5/34-230 and the Guidelines, recommends, in accordance with the CEO's proposal, that she recommend to the Board , and the Board approve the closure of Canter Middle School.

Respectfully Submitted,



Gilbert J. Grossi, Judge, retired
Hearing Officer

Effective: August 22, 2011

West's Smith-Hurd Illinois Compiled Statutes Annotated Currentness

Chapter 105. Schools (Refs & Annos)

Common Schools

Act 5. School Code (Refs & Annos)

Article 34. Cities of Over 500,000 Inhabitants--Board of Education (Refs & Annos)

School Action and Facility Master Planning

→→ **5/34-230. School action public meetings and hearings**

§ 34-230. School action public meetings and hearings.

- (a) By November 1 of each year, the chief executive officer shall prepare and publish guidelines for school actions. The guidelines shall outline the academic and non-academic criteria for a school action. These guidelines, and each subsequent revision, shall be subject to a public comment period of at least 21 days before their approval.
- (b) The chief executive officer shall announce all proposed school actions to be taken at the close of the current academic year consistent with the guidelines by December 1 of each year.
- (c) On or before December 1 of each year, the chief executive officer shall publish notice of the proposed school actions.
- (1) Notice of the proposal for a school action shall include a written statement of the basis for the school action, an explanation of how the school action meets the criteria set forth in the guidelines, and a draft School Transition Plan identifying the items required in Section 34-225 of this Code for all schools affected by the school action. The notice shall state the date, time, and place of the hearing or meeting.
- (2) The chief executive officer or his or her designee shall provide notice to the principal, staff, local school council, and parents or guardians of any school that is subject to the proposed school action.
- (3) The chief executive officer shall provide written notice of any proposed school action to the State Senator, State Representative, and alderman for the school or schools that are subject to the proposed school action.
- (4) The chief executive officer shall publish notice of proposed school actions on the district's Internet website.
- (5) The chief executive officer shall provide notice of proposed school actions at least 30 calendar days in advance of a public hearing or meeting. No Board decision regarding a proposed school action may take place less than 60 days after the announcement of the proposed school action.
- (d) The chief executive officer shall publish a brief summary of the proposed school actions and the date, time, and place of the hearings or meetings in a newspaper of general circulation.
- (e) The chief executive officer shall designate at least 3 opportunities to elicit public comment at a hearing or meeting on a proposed school action and shall do the following:

- (1) Convene at least one public hearing at the centrally located office of the Board.
 - (2) Convene at least 2 additional public hearings or meetings at a location convenient to the school community subject to the proposed school action.
- (f) Public hearings shall be conducted by a qualified independent hearing officer chosen from a list of independent hearing officers. The general counsel shall compile and publish a list of independent hearing officers by November 1 of each school year. The independent hearing officer shall have the following qualifications:
- (1) he or she must be a licensed attorney eligible to practice law in Illinois;
 - (2) he or she must not be an employee of the Board; and
 - (3) he or she must not have represented the Board, its employees or any labor organization representing its employees, any local school council, or any charter or contract school in any capacity within the last year.
 - (4) The independent hearing officer shall issue a written report that summarizes the hearing and determines whether the chief executive officer complied with the requirements of this Section and the guidelines.
 - (5) The chief executive officer shall publish the report on the district's Internet website within 5 calendar days after receiving the report and at least 15 days prior to any Board action being taken.
- (g) Public meetings shall be conducted by a representative of the chief executive officer. A summary of the public meeting shall be published on the district's Internet website within 5 calendar days after the meeting.
- (h) If the chief executive officer proposes a school action without following the mandates set forth in this Section, the proposed school action shall not be approved by the Board during the school year in which the school action was proposed.

CREDIT(S)

Laws 1961, p. 31, § 34-230, added by P.A. 97-473, § 5, eff. Jan. 1, 2012; P.A. 97-474, § 5, eff. Aug. 22, 2011.

HISTORICAL AND STATUTORY NOTES

Sections 97 of P.A. 97-474, approved and effective Aug. 22, 2011, provided:

"Section 97. Control over other Act. Senate Bill 620 of the 97th General Assembly passed both houses on May 31, 2011. Thus, this amendatory Act of the 97th General Assembly (Senate Bill 630) is the one last acted upon by the General Assembly. If Senate Bill 620 becomes law and this amendatory Act (Senate Bill 630) becomes law, then this amendatory Act (Senate Bill 630) controls as provided in Section 6 of the Statute on Statutes (5 ILCS 70/6).

P.A. 97-473 and P.A. 97-474 added identical versions of this section.

105 I.L.C.S. 5/34-230, IL ST CH 105 § 5/34-230

Current through P.A. 97-615 of the 2011 Reg. Sess.

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105 ILCS 5/34-230, IL ST CH 105 § 5/34-230

Current through P.A. 97-615 of the 2011 Reg. Sess.

GUIDELINES FOR SCHOOL ACTIONS¹
2012-2013 SCHOOL YEAR
("Guidelines")

Chicago Public Schools' ("CPS") Chief Executive Officer ("CEO") publishes the following Guidelines to help the public and all interested stakeholders understand the criteria for school actions. CPS is committed to providing every child in every community with access to a high quality education that prepares them for college and career. To that end, CPS must take every step possible to focus our resources on investments that will improve schools for all students. School action proposals will be presented to the Chicago Board of Education ("Board") to help CPS meet this commitment to all its students so that they may access higher quality school options. All proposals presented to the Board for consideration will reflect a commitment to provide impacted students with the option to enroll in a higher performing school.

For the 2012-2013 school year, the CEO will consider the criteria specified below when recommending any of the following school actions:

- closure,
- consolidation,
- reassignment boundary change,
- phase-out, or
- co-location.

I. CRITERIA

A. Criteria for Closure, Consolidation, Reassignment Boundary Change, or Phase-Out

The CEO may propose a closure, consolidation, reassignment boundary change or phase-out using the criteria outlined below.

1. Space Utilization or Grade Alignment

Space Utilization

A school may be considered for a closure, consolidation, reassignment boundary change, or phase-out if it is underutilized or overcrowded based on CPS' Space Utilization Standards and student enrollment numbers recorded on the 20th attendance day for the 2012-2013 school year.

Grade Alignment

A school may be considered for a closure, consolidation, reassignment boundary change, or phase-out if two elementary schools, sharing some part of each other's attendance area, individually offer less than Kindergarten through eighth grades and can be reconfigured to a single Kindergarten through eighth grade school.

2. Constraining Factors

¹ Issuing these Guidelines is consistent with the Illinois School Code (105 ILCS 5/34-230) requiring that the CEO publish guidelines outlining the criteria for school actions.

The CEO may only propose a closure, consolidation, or reassignment boundary change if:

- (a) the students impacted by a closure, consolidation, or reassignment boundary change have the option to enroll in a higher performing school; and,
- (b) the resulting space utilization after closure, consolidation, or reassignment boundary change will not exceed the facility's enrollment efficiency range as defined by the CPS' Space Utilization Standards.

The CEO may only propose a phase-out if the resulting space utilization after considering a closure, consolidation, or reassignment boundary change would exceed the contemplated receiving facility's enrollment efficiency range as defined by the CPS' Space Utilization Standards.

3. Additional Information to Consider

In determining whether to propose a closure, consolidation, reassignment boundary change, or phase-out, the CEO may consider other information including, but not limited to: safety and security, school culture and climate, school leadership, quality of the school facility, school type and programming, family and community feedback received throughout the school year independent from the process described below, analysis of transition planning costs, neighborhood development plans, whether the school has recently been affected by any school actions, changes in academic focus or actions taken pursuant to 105 ILCS 5/34-8.3, or proximity, capacity and performance of other schools in the community.

B. Criteria for Co-location

The CEO may propose a co-location of two schools within the same facility if:

- (1) the combined projected enrollment is within the facility's enrollment efficiency range as defined by the CPS' Space Utilization Standards; and
- (2) the facility can support the academic programming of both schools.

Furthermore, in determining whether to propose a co-location, the CEO may consider other information, including, but not limited to: safety and security, school culture and climate, school leadership, quality of the facility, and an analysis of transition planning costs.

II. NOTICE AND SCHOOL TRANSITION PLANS

Notice of any proposed school action will be provided to the principal, staff, local school council, parents or guardians, Illinois State Senator, Illinois State Representative, and Alderman for the school or schools that are subject to the proposed school action. Notice will include the date, time, and place of public meetings being held to elicit public comment on the proposal.

Along with notice of the CEO's proposal, the CEO will issue a draft school transition plan dependent on the unique circumstances of the proposed school action. The draft school transition plan will include, but is not limited to, the following: (1) services to support the academic, social, and emotional needs of students; supports for students with disabilities, homeless students, and English language learners; and support to address security and safety

issues; (2) options to enroll in higher performing schools; (3) informational briefings regarding the choice of schools that include all pertinent information to enable the parent or guardian and child to make an informed choice, including the option to visit the schools of choice prior to making a decision; and (4) the provision of appropriate transportation where practicable.

III. DEFINITIONS

“Closing” or “closure” means closing a school and assigning all of the students enrolled at that school to one or more designated receiving schools.

“Co-location” means two separate, independent schools with their own school leader(s) co-existing within a Chicago Public School facility.

“Consolidation” means the consolidation of two or more schools by closing one or more schools and reassigning the students to another school.

“Higher performing school” means:

- (1) receiving a higher level on the Performance Policy for the 2011-2012 school year, or
- (2) if the 2011-2012 school year level on the Performance Policy is equal, higher 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,
 - for high schools – for the 2011-2012 school year, percentage of points on the Performance Policy, PSAT composite meets or exceeds score, EPAS gains percentile in reading, and EPAS gains percentile in math, or
- (3) for elementary schools, if the 2011-2012 school year level on the Performance Policy is equal and the school does not have Value Added metrics, higher performing means a higher percentage of points on the Performance Policy and a higher ISAT meets or exceeds score for the 2011-2012 school year, or
- (4) for high schools, if the 2011-2012 school year level on the Performance Policy is equal and the school does not have EPAS metrics, higher performing means a higher percentage of points on the Performance Policy and a higher PSAT composite meets or exceeds score.

“ISAT” stands for Illinois Standard Achievement Test.

“ISAT composite” means the score of the combined ISAT reading, math and science tests.

“EPAS” stands for Educational Planning and Assessment System and includes the EXPLORE test for freshmen, the PLAN test for sophomores, and the ACT test for juniors.

“Performance Policy” means the Board of Education of the City of Chicago’s School Performance, Remediation and Probation Policy, 12-0725-PO2, establishing standards and criteria for placing a school on Remediation or Probation for the 2012-2013 school year based on assessments administered in Spring 2012 and other performance data from prior school years.

The score and status are determined by evaluating key indicators that assess a school's current performance, trend over time and student growth.

"Phase-out" means the gradual cessation of enrollment in certain grades each school year until a school closes or is consolidated with another school.

"PSAE" stands for Prairie State Achievement Examination.

"Reassignment boundary change" means an attendance area boundary change that involves the reassignment of currently enrolled students.

"School action" means any school closing; school consolidation; co-location; boundary change that requires reassignment of students, unless the reassignment is to a new school with an attendance area boundary and is made to relieve overcrowding; or phase-out.

"Space Utilization Standards" mean the Chicago Public Schools' Space Utilization Standards, found at:

[http://www.cps.edu/About CPS/Policies and guidelines/Documents/SpaceUtilizationStandards.pdf](http://www.cps.edu/About%20CPS/Policies%20and%20guidelines/Documents/SpaceUtilizationStandards.pdf), establishing standards for determining enrollment efficiency, overcrowding, and underutilization.

"Value Added" means the metric that assesses school effects on students' academic growth, controlling for student characteristics (including, but not limited to, student mobility rates, poverty rates, special education status and bilingual education status), grade level, and prior performance through a regression methodology. Academic growth is measured by the change in scale score points on the ISAT from one year to the next.

END OF DOCUMENT