PUBLIC HEARING TO CONSIDER
PROPOSED CLOSURE OF
ELIZABETH PEABODY ELEMENTARY SCHOOL

APRIL 18, 2013

INDEPENDENT HEARING OFFICER'S REPORT AND FINDINGS

The proceedings concerned the recommendations of the Chief Executive Officer (CEO) of the Chicago Public School (CPS) to close Peabody and the merge the students into Otis Elementary School. The purpose of the hearing was to determine if the legal, procedural and substantive steps necessary to effectuate the proposed closure had been correctly undertaken and completed. Evidence was received from CPS officials. Comments from community members, parents, students, teachers and other interested persons were also received.

The Chicago Public Schools, represented by attorney Esther Yahnig, introduced Exhibit A, a binder consisting of documentary evidence and written statements supporting the CEO's position that the CEO's proposal complied with the requirements of the Illinois School Code and the Guidelines for School Actions.

Included in the binder (EX 1) were the following documents:

A. NOTICES OF HEARING

1. Notice Letter to Parents or Guardians of Students at Elizabeth Peabody Elementary School and James Otis Elementary School dated March 21, 2013 and Draft Transition Plan for the Proposed Closure of Elizabeth Peabody Elementary School

2. Notice Letter to School Administrators, Faculty, Staff, and Local School Council Members at Elizabeth Peabody Elementary School and James Otis Elementary School dated March 21, 2013 and Draft Transition Plan for the Proposed Closure of Elizabeth Peabody 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 or Guardians, Administrators, Faculty, Staff, and Local School Council Members of Elizabeth Peabody Elementary School and James Otis 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 for 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) List of Independent Hearing Officers for Hearings and 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 before April 13, 2013 and April 17, 2013

6. Public Notice of Hearing and Community Meetings by Newspaper Publication in the Chicago Sun-Times on 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 ILCS5/34-230 ("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 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

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, Co-Location, Phase-Out, or Reassignment Boundary Change

C. DOCUMENTS AND WRITTEN EVIDENCE IN SUPPORT OF THE PROPOSAL

17. Transcript of the April 8, 2013 Community Meeting regarding the Proposed Closure of Elizabeth Peabody Elementary School

18. Summary of the April 8, 2013 Community Meeting regarding the Proposed Closure of Elizabeth Peabody Elementary School

19. Transcript of the April 12, 2013 Community Meeting regarding the Proposed Closure of Elizabeth Peabody Elementary School

20. Summary of the April 12, 2013 Community Meeting regarding the Proposed Closure of Elizabeth Peabody Elementary School

21. Written Statement of Patrick Payne, Portfolio Planner for the Chicago Public Schools

22. Presentation Accompanying Patrick Payne's Written Statements

23. Map of Proposed Attendance Area Boundary Change

24. Written Statement of Shonda Huery, Chief of Schools of the Fulton Elementary Network for the Chicago Public Schools

25. Elizabeth Peabody Elementary School and James Otis Elementary School Performance Policy Reports

The CPS introduced the testimony of Patrick Payne who is a portfolio planner for the Chicago Public Schools. Mr. Payne testified concerning the space utilization standards of the CPS and the

application of those standards to the analysis to be undertaken in deciding whether or not to close a school. Mr. Payne explained the formulas to determine the "enrollment efficiency range" of an individual school; he further explained the "space utilization standards", which were included in Exhibit A at Tab 14.

Mr. Payne testified that the enrollment efficiency range for Peabody was between 456 and 684 students. However, as of the 20th day of attendance for the 2012-2013 school year, the Peabody enrollment was only 266, and the school is therefore "underutilized".

Mr. Payne also evaluated the enrollment at Otis School, the proposed receiving school for Peabody students, to determine the effect of receiving the Peabody students. Mr. Payne opined that the combined aggregate of the Peabody and Otis students would fall within the lower end of the enrollment efficiency range.

Mr. Payne's testimony appears in its entirety at Tab 21 of Exhibit A and a page 12 of the transcript of proceedings.

Also testifying for the CPS was Dr. Shonda Huery, the Chief of Schools for the Fulton Elementary Network. Otis School is within the Fulton Community Network. Dr. Huery also testified that Peabody is underutilized according to the CPS Space Utilization Standards.

Dr. Huery testified that Peabody students attending Otis will be attending a higher performing school based on the CEO's Guidelines for School Actions. Peabody had a Level 3 rating and Otis had a Level 2 rating, making Otis the higher performing school.

Dr. Huery described the additional supports that Peabody students would receive at Otis and the assistance the School Network would provide to ease the transition process. Dr. Huery also described the activities of the CPS Office of Safety and Security (OSS) and the actions proposed to be taken by the OSS to develop a plan for the transition of students and to provide "safe passage supports".

Dr. Huery also described the academic supports proposed for the transition, the proposed social and emotional supports, and the proposed additional supports for students with unique needs and circumstances. Dr. Huery testified that the supports included students with diverse learning needs, students in temporary living situations, English language learners, and early childhood participants.

Dr. Huery's testimony is presented in Tab 24 of Exhibit A and at Page 18 of the transcript of proceedings.

Alderman Robert Fioretti spoke in opposition to the closing. He emphasized the closing of Peabody would limit the "ability to serve families with school and children who live in this area and who may move into the area...". He also pointed out that the East Village Association and area businesses were overwhelmingly supportive of keeping Peabody open.

The Alderman also stated that the routes that Peabody students would walk to Otis would be long and would be dangerous and pass areas without sidewalks. He also said that gang areas and abandoned buildings existed along the routes and would pose grave threats to student pedestrians.

Alderman Fioretti also noted that many Peabody students have already been through the previous closing of Carpenter and Anderson schools. He also noted that the recent expenditure of $250,000 on electrical upgrades at Peabody, which he stated would be a waste as a result of the closure.

Annie Camache, the assistant principal at Peabody, testified that the educational level assigned to Peabody was misleading, and ignored the progress that Peabody has made and the honors it has received.

Mara Berkun, a Peabody teacher, stated that Peabody has "had growth in an upward trend" and has been "stressing the importance of early childhood education".

Nancy Kirby, a Peabody teacher, challenged the efficiency of the Safe Passage Program, and stressed the unsafe nature of the routes that Peabody students would take to Otis.

Debbie Winslow, a Peabody teacher, suggested an alternative whereby students and staff would move into "a large building, a smaller building could house Near North students, only .4 of a mile from Peabody, who could move into the small building.

John Imperial, a Peabody teacher, stressed the positive trend of Peabody ISAT scores and "a constant steady improvement" of Peabody.

Federico Flores, the principal at Peabody, stressed the cohesiveness of the Peabody community and the professionalism of the Peabody faculty and staff and requested that CPS "make a transparent facilities plan".

Jessica Mena and Stephanie Forton, both Peabody teachers, discussed the inadequacy of the Chicago class size numbers, the utilization rate at Otis and the quality programs at Peabody, including the Future City Program, Chicago Area Problem Solving, and numerous clubs and activites.

Lisa Lane, a Peabody teacher, spoke of the Peabody 99% poverty rate and the 50% English proficiency rate. She described the success of S.T.E.M focused competitions and the success achieved.

Jessie Cobian challenged the CPS assertions concerning future employment opportunities for Peabody faculty and staff and also asserted that CPS is not giving "clear information on who will be reassigned, and how that reassignment will happen".

John Anderson, a Peabody teacher, suggested that the "transfer of Peabody external partnerships and programs" would not be successfully completed.

Claire Jaksich, a student teacher, spoke of WITS (Working in the Schools) and the successful implentation of WITS at Peabody.

Marie Lacko, a Peabody teacher, proposed a consolidation of Peabody students into the main building as a solution to the underutilization. She also stressed that smaller elementary schools promote "better learning and all-around development...".

Pamela Nicandro-Osorio stated that the underutilization can be attributed to the number of charter schools in the neighborhood. She also stressed that CPS is restricting parental choice with the closing of schools.

Jamie Seidel stated that CPS is failing to consider parental and community opinions and spoke of polling of businesses and community leaders, all of whom favored retention of Peabody.

Anthony Lacko, husband of a teacher, spoke of the dedication of teachers and the effect of the closing on the "center of the neighborhood".

Susanne Bodak of the Erickson Institute for Child Development spoke of their work with Peabody pursuant to a U.S. Dept. of Education grant. She spoke of the active participation of teachers and staff in the project, which she said would not transfer to Otis.

Nicholas Barr had been an Americorp volunteer at Peabody. He described the after school programs, including Chicago Area Problem Solvers, and the House of Blues Guitar Club. He described Peabody as a special school with enriching experiences.

Ashley McCall, a Peabody teacher, continued the comments of Pam Osorio, suggesting that the CPS and Noble School plan to open a middle school in Peabody's building.

Martin Ritter, an organizer for the Chicago Teacher's Union, challenged the space utilization formula used by CPS, and suggested that CPS has not factored special education rooms with mandated less than 30 capacity into their formula. Mr. Ritter submitted documentation and studies suggesting that the 30 students per classroom is too high.

The following people also testified: 1.) Henry Ramos, student; 2.) Susan Salgado-Bravo, parents; 3.) Adrian Navarro, student; 4.) Julian Navarro, student; 5.) Jonathan Estrada, student; 6.) Maria Salcido, student; 7.) Angel Salcido, student; 8.) Letitia Salcido, student; 9.) Brian Rocha, student; 10.) Lisa Torres, parent; 11.) Omar Solis, student; 12.) Kimberly Gutierrez, student; 13.) Jason Chavez, student; 14.) Jose Caro, alumnus; 15.) Eric-Nellem, student; 16.) Claudia Figueroa Madrigal, parent.

The golden thread which connected their testimony was a love of Peabody and a strong belief in the beneficial effect Peabody had on its students. Many expressed fear of the distance and route to walk to Otis, because of traffic, gangs, lack of sidewalks, and abandoned buildings.

Their testimony was poignant and emotional. Their fear of the unknown would touch the heard of even the most hardened listener.

Other submissions and statements were submitted. They have been attached to this opinion for inclusion in the record.

Having considered the evidentiary exhibits, the witness statements and the additional submitted materials, the hearing officer finds as follows:

1. CPS has established that CPS has followed all legal, procedural and substantive requirements of the Illinois Statutes and Policies of the Chicago Board of Education and Chicago Public Schools required to support the proposed closure of Peabody School and the merger of Peabody students into Otis School.

May 1, 2013

Thomas P. Durkin
Independent Hearing Officer

5/2/13