

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

<b>In the matter of:</b>	)	
<b>The Hearing to take Public Comment</b>	)	
<b>On the Proposal to</b>	)	<b>Donald M. Devlin</b>
<b>Phase out Crispus Attucks Elementary</b>	)	<b>Hearing Officer</b>
<b>School with students eventually going</b>	)	<b>2013</b>
<b>To Beethoven Elementary School.</b>	)	

**Hearing Officer's Report  
To the Chief Executive Officer  
Regarding the Proposal to Phase out Crispus Attucks Elementary School  
With students eventually going to Beethoven Elementary School**

**INTRODUCTION**

On April 18, 2013 at 5:30 p.m., the undersigned, an attorney licensed to practice law in Illinois, convened as hearing officer, a public hearing at 125 South Clark Street, Chicago, Illinois to receive comments from interested persons regarding the proposed phase out of Crispus Attucks Elementary School with students eventually going to Beethoven Elementary School. A Certified Shorthand Reporter transcribed the hearing. A Spanish language interpreter was present as well as a hearing impaired interpreter. Notice of this hearing was sent to the principal, staff, local school council, parents or guardians, as well as to the State Senator, State Representative and Alderman for the school that is subject to the proposed action. A summary of the proposed school action was published in the Chicago Sun-Times. Preceding the present hearing, the CEO of the Chicago Public Schools conducted two community meetings, one on April 9, 2013 and the second on April 13, 2013. Both meetings were held at Dunbar High School, 3000 S. King Drive, Chicago, IL. 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, Reconstitution 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 requirements of 105 ILCS 5/34-230 and the Chief Executive Officers Guidelines for School Actions.

**Relevant Statutes**

105 ILCS 5/34-18 "Powers of the Board," effective July 13, 2012

105 ILCS 5/34-200 "School Action" defined, effective July 13, 2012

105 ILCS 5/34-232 "Proposed School Action announcement and notice: 2012-2013 school year," effective November 30, 2012

105 ILCS 5/34-225 "School Transition Plans," effective November 30, 2012

105 ILCS 5/34-230 "School action public meetings and hearings," effective August 22, 2011.

### **Pertinent Chicago Public Schools Policies and Procedures**

Guidelines for School Actions, 2012-2013 School Year

Procedures For Public Hearings on Proposed School Closure, Consolidation, Co-Location, Phase-Out, or Reassignment Boundary Change

Chicago Public Schools Space Utilization Standards, December 28, 2011

Chicago Public Schools Policy Manual, Review and Establishment of School Attendance Boundaries

Chicago Public Schools Policy Manual, School Performance, Remediation and Probation for the 2011-2012 School Year

Chicago Public Schools Policy Manual, Shared Facility Policy

## **EXHIBITS**

Ms. Libby Massey, an attorney for the Chicago Board of Education Law Department, tendered, and the hearing officer received and entered into the record, the CEO's Complied Exhibit No. 1, a binder of documents in support of the proposed school action.

### **NOTICES OF HEARING**

Notice letter to parents or guardians of students at Crispus Attucks Elementary School and Ludwig Van Beethoven Elementary School dated March 21, 2013 and Draft Transition Plan for the Proposed Phase-Out of Attucks Elementary School.

Notice Letter to School Administrators, faculty, staff and local school council members at Attucks Elementary School and Beethoven Elementary School dated March 21, 2013 and Draft Transition Plan for the proposed Phase-Out of Attucks Elementary School.

Public notice of hearing and community meeting by newspaper publication in the Chicago Sun-Times beginning on or about April 3, 2013.

## AFFIDAVITS

Affidavit of Jeff Broom, Performance Data Analyst for Chicago Public Schools, regarding mail and/or personal delivery of notice letters to parents and guardians, school personnel and local school council members of Attucks Elementary School and Beethoven Elementary School on or about March 21, 2013

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

Affidavit of Jason Van Patten, Director of Web Services for Chicago Public Schools, regarding publication of: (a) list of independent hearing officers for hearing 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 14, 2013 and April 18, 2013

## Relevant Legal and Procedural Documents (Tabs 7 – 16)

### Documents and Written Evidence in Support of the Proposal

Transcript of the April 9, 2013 community meeting regarding the proposed phase-out of Attucks Elementary School

Summary of the April 9, 2013 community meeting regarding the proposed phase-out of Attucks Elementary School

Transcript of the April 13, 2013 Community meeting regarding the proposed phase-out of Attucks Elementary School.

Summary of the April 13, 2013 Community meeting regarding the proposed phase-out of Attucks Elementary School

Written statement of Ashley Richardson, Portfolio Planner for the Chicago Public Schools

Map of proposed attendance area boundary change

Written statement of John Price, Chief of Schools of the Burnham Park Elementary Network for the Chicago Public Schools

Presentation accompanying John Price's written statement

Attucks Elementary School and Beethoven Elementary School performance policy reports

**SUMMARY OF PUBLIC HEARING  
TO CONSIDER: PROPOSED PHASE-OUT AND CLOSURE  
OF  
CRISPUS ATTUCKS ELEMENTARY SCHOOL**

**BOARD PRESENTERS**

Ashley Richardson

Portfolio Planner for the Chicago Public Schools

Ms. Richardson testified that according to the Chief Executive Officer's Guidelines for the 2012-2013 school year, the CEO may propose to phase-out and close a school if it is underutilized based on CPS Space Utilization Standards and based on student enrollment numbers recorded on the 20<sup>th</sup> attendance day for the 2012-2013 school year. Application of the Space Utilization Standards to Attucks Elementary School shows that the school is underutilized.

Ms. Richardson also testified that application of the Utilization Standards to Beethoven School shows an efficiency range of the facility is between 720-1080 students. Beethoven School currently has 389 students enrolled. Based on information currently available, the 2015-2016 projected enrollment for Attucks, combined with the 2015-2016 projected enrollment for Beethoven, results in an estimation of 553 total students enrolling at Beethoven. This is below the enrollment efficiency range of the Beethoven facility, and thus, there is enough space within the Beethoven facility for students from Attucks and students from Beethoven.

Ms. Richardson stated that the delayed closure of Attucks is based on feedback received from the community and the desire to provide special support for the sizeable population of students in temporary living situations at Attucks.

John Price

Chief of Schools for the Chicago Public Schools, Burnham Park

Mr. Price stated that Beethoven School is a higher performing school (than Attucks) based on the CEO's Guidelines for School Actions. The CEO's Guidelines for Schools Actions define a higher performing elementary school to be a school receiving a higher level on the Performance Policy for the 2011-2012 school year. The CEO's Guidelines also define a higher performing elementary school, if the Performance Policy level is equal, to be a school performing higher on the majority of four performance metrics for

the 2011-2012 school year. Although Attucks and Beethoven received both received a Level 3 rating in 2011-2012, Beethoven performed higher on all four performance metrics.

Finally, Mr. Price outlined plans to help students transition during the next two years.

## **PUBLIC SPEAKERS**

Robert Elchert represented \_\_\_\_\_, Pat Dowell, who had been called away. He said that the alderman had shared her concerns with the personnel at the CPS concerning the high number of homeless students at Attucks. He stated that the alderman hopes that Attucks can remain open, but if it cannot, the alderman will “continue advocating on behalf of those students and making sure that CPS is held to their promises in regards to providing the resources that those students need to succeed.

William Scott III is a retired educator who termed himself a “supporter” of Attucks and expressed the opinion that the school should remain open. Alternatively, he stated that Beethoven should be re-named Attucks in honor of Crispus Attucks.

Nona Burney came representing the Bronzeville Community Action Council and expressed dismay about the closing of Attucks in light of its prior moves and problems. She expressed concern for the homeless children at Attucks stated that these students had not received promised assistance in the past. Before 5:00 p.m. on April 19, 2013, Ms. Burney submitted a written comment to CPS offices which was forwarded to the Hearing Officer. The written submission was an elaboration of her oral presentation the night before and is basically the same in substance.

<u>Tommy S. (Student A)</u>	Both students expressed their affection for Attucks and
<u>Quashawn S (Student B)</u>	their desire that the school remain open.

Rebecca Martinez was a representative of the Chicago Teachers Union and opined that Attucks should remain open. She is of the opinion that none of the schools slated for closing should be closed. She does not believe that CPS has the budgetary problems it says it does. She is of the opinion that CPS should find other ways of raising money than closing schools.

Ellen Gradman is a teacher who has been teaching for 30 years, although not in the Chicago Public Schools. She is of the opinion that the schools selected for closing should not be closed.

Jourdan Sorrell is the president and CEO of Hundred Black Men of Chicago. Mr. Sorrell offered the help of his organization in mentoring students and helping the transition of students from Attucks to Beethoven.

## FINDINGS

The hearing officer makes the following findings concerning the CEO's proposal to Phase-out and close Crispus Attucks Elementary School.

1. The CEO has satisfied the notice requirements as mandated by Board policy and Guidelines and 105 ILCS 5/34-230. The CEO has complied with requirements of 105 ILCS 5/34-230 and the CEO's Guidelines for School Actions.
2. I find that the proposed action comports with the Chicago Public Schools Space Utilization Standards.
3. I find that the proposed action comports with the Chicago Public Schools Policy Manual, School Performance, Remediation and Probation Policy for the 2011-2012 School year.
4. I find that the proposed action comports with the Chicago Board of Education Policy on Review and Establishment of School Attendance Boundaries.

For the forgoing reasons, the hearing officer finds that the CEO has followed all proper procedures and relevant mandates, and that the proposal to phase-out and close Crispus Attucks Elementary School is appropriately before the Board.

Submitted this 24<sup>th</sup> day of April, 2013



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**Donald M. Devlin**  
**Hearing Officer**