

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  
Alexander von Humboldt  
And  
Ana Roque de Duprey  
Elementary Schools

Before  
Gilbert J. Grossi  
Independent Hearing Officer

At 5:30 p.m. on Wednesday April 24, 2013, a hearing was held at the Board of Education of the City of Chicago, 125 South Clark, Chicago, Illinois. The purpose of this hearing was to allow the appointed Hearing Officer to receive public comments from concerned persons, including representatives of the CEO of the Chicago Public Schools, members of LSCs, students, parents, members of the staff, the principal, Chicago Teacher's Union representatives and interested members of the public and community concerning the CEO's proposal that Alexander von Humboldt Elementary School and Ana Roque de Duprey Elementary School, both located at 2620 West Hirsch Street, be closed at the end of the current school year and that their current enrollments of 362 and 92 students respectively, be assigned to Jose de Diego Elementary School located at 1313 North Claremont, Chicago. A Certified Court Reporter transcribed the hearing. Applicable law and CEO Guidelines are attached at the end of the report..

SUMMARY OF THE EVIDENCE  
Public Hearing April 24, 2013

A. Speakers on behalf of the Chicago Public Schools.

1. Wynter Jackson: Deputy General Counsel, Chicago Public Schools who summarized the evidence to be presented at the hearing and admitted a binder of evidence in connection with the Chief Executive Officer of the Chicago Public Schools proposal. She presented evidence of Notice, Illinois Law, Chicago Board of Education Policy, Guidelines and Procedure, transcripts and summaries of prior community meetings of April 9, 2013 and April 13, 2013 and the accounts and affidavits of CPS witnesses.

2. Patrick Payne: Portfolio Planner for the Chicago Public Schools. He explained the evaluation of von Humboldt and Duprey Schools under CPS Space Utilization Standards. He detailed how von Humboldt's enrollment efficiency range for 2012-2013 was between 720 -1,080 student, while its enrolment was 362. Therefore, von Humboldt is underutilized by that standard. He further detailed Duprey's enrollment efficiency range for 2012-2013 as between. 264 and 396 students, while its actual enrollment was 92 students.. Therefore, Duprey is underutilized by that standard. He also analyzed Diego's projected enrollment efficiency rate for 2013-2014, when von Humboldt's and Duprey's students are combined with it. He found that the projected total enrolment of Diego would be 1,240 students, which is within Diego's enrolment efficiency range of between 1,032 -1,548 students. This would include assigning a 6 classroom Child Parent

Center located at 1345 North Rockwell to Diego, if the Board approves. He recommends

closure based on both schools being underutilized..

3. Shonda Huery: Chief of Schools fro the CPS, Fulton Elementary Network .She reaffirmed that both von Humboldt and Duprey fit the CEO's Guidelines because I they are both underutilized under the CPS Space Utilization Standards. She further explained, that while all 3 schools have a Level 2 rating, Diego is the highest performing of the three schools on the majority of the four performance metrics under the CEO's Guidelines for School Actions, which defines higher performing when the schools are at the same level of performance. She further states that, beginning n the fall, all Diego students will be given the opportunity to participate in the International Baccalaureate Program(IB). Therefore, she states that both von Humboldt and Duprey students will be attending a higher performing school. She also described the supports which von Humboldt and Duprey students will receive form CPS to aid in the transition. These include safety measures, which will be taken in conjunction with the Chicago Police Department; Safe Passage supports; academic supports such as a Principal Transition Coordinator, tutors, instructional coaches;.social and emotional supports, stressing individualized attention; and additional supports for students with unique needs ,such as English language learners and students with diverse learning needs. She also recommends closure under the CEO's Guidelines for School Actions.

## B. Speakers and Written Evidence from the Public

### 1. Written Evidence

- \* email -analyzing what "value added" really means and its ineffectiveness in evaluating performance.
- \* letter for group Occupy CPS- attacking all the school closures; claiming the crisis is manufactured; claiming utilization formula is flawed; questioning the role and location of charter in relation to many of the schools proposed to be closed; citing von Humboldt's school progress report.
- \* Binder containing "One School, One Plan " Proposal- a comprehensive, six part outline of a plan to keep the schools open. The highlights are: I.. Action proposal stating that Duprey and von Humboldt should be combined to form one school because they have 85% of the supports already in place, Duprey is not on probation. II. CPS has not adequately informed the public about its transition plan; CPS original plan included leaving the 2620 building open as a branch of Diego; criteria released by CEO on 2/13/2013 for schools that would no longer be considered for closing fits von Humboldt since it is "on the rise"; expenditures at welcoming schools will be costly. III. Disputed utilization rate- claims rate is really 86%, based on its following CIWP plan; IV. School progress reports from all three schools, claiming Diego is not higher performing., including citing 5 Essentials data. V. Disputes facilities costs of \$26,667,000; asks to make school a welcoming school for \$2

million less VI. Additional websites, articles and letters in support of combining the two schools.

\* email containing a more detailed description of the Action Proposal listed in section I of the above binder, suggesting such things as combining the Child Parent Center into the main school in addition to combining the two schools; increasing parent services; adding an IB program; and attributing utilization rates to having resources taken away from them.

## 2. Other Written Documents.

Summary and transcript of 4/9/ 2013 Community Meeting

Summary and transcript of 4/13/2013 Community Meeting

Transcript of Public Hearing of 4/24/2013

## 3. Public Speakers

Approximately 87 people attended the public meeting, with some 26 people speaking, 12 of them more than once.

Alderman Joe Moreno spoke twice- argued strongly to combine the two schools, pushed "One School. One Plan, " proposal.

Gloria Roman- Principal of Duprey- argued that the needs of the children are not being met and focused on the trauma closure will have on the students .

There were several concerns and topics and proposals raised by the speakers: First: von

Humboldt and Duprey should be combined to form one welcoming school under their "One,

School, One Plan " program: ; Second: Diego is on probation and is not a higher performing school; Third: Small schools are better; Fourth: childrens' needs are not being considered; Fifth; Safety and security concerns; Sixth Concerns over special educations students losing their teachers and being placed in larger classes; Seventh: von Humboldt should be exempted from closure under 2/13/2013 letter from CEO since it is "on the rise" Eighth; anger over initial draft plan proposing 2620 facility being left open as branch of Diego, now changed .

#### STATEMENT OF FINDINGS

1. Proper notice of the hearing was given as required by Illinois law, Chicago Public School Policy and Procedures for hearings on school closings to the Principal, staff, parents, LSC, Chicago Teachers Union, Public Officials, and the interested public.
2. On April 24, 2013 a public hearing was held at the Board of Education. 125 South Clark.
3. There have been two other opportunities for public comments at the community meetings of 4/9/2013 and 4/13/ 2013.
4. The CEO of the Chicago Public Schools has recommended closure of both von Humboldt and Duprey schools
5. Von Humboldt's enrollment for 2012-2013 was 362 students. That number is below the enrollment efficiency. range of 720-1,080 so von Humboldt is underutilized based on the CPS Space Utilization Standards.
6. Von Humboldt's enrollment has declined by 64% past the past ten years.

7. On this basis, von Humboldt is underutilized, meets the CEO's Guidelines for School closings and is subject to closure.
8. Duprey's enrollment for 2012-2013 was 92 students. That number is below the enrollment efficiency range of 264-396 students, so Duprey is underutilized based on CPS Space Utilization Standards.
9. Duprey's enrollment has declined 75% over the past ten years.
10. On this basis, Duprey is underutilized, meets the CEO's Guidelines for School Closings and is subject to closure.
11. Diego Elementary School is willing to accept the students from von Humboldt and Duprey. The combined projected enrollment for Diego, after including students from von Humboldt and Duprey, for 2013-2014 is 1,240 students. This is within Diego's enrollment efficiency range of 1032-1548 students. This is provided that the Board approves the proposal to assign the Child Parent Center located at 1345 North Rockwell to Diego School.
12. Von Humboldt, Duprey, and Diego are all Level 3 schools. When this occurs, under the CEO's Guidelines, for elementary schools, four performance rubrics are used to determine which school is the highest performing. Under those four rubrics, which are the only ones listed, Diego is the highest performing school in the vast majority of the rubrics. Whether a school is on probation is not listed as one of the rubrics here..Therefore , under the CEO's Guidelines, the von Humboldt and Duprey students will be attending a higher performing school.

13. Von Humboldt and Duprey students will be provided with academic supports to aid in the transition, including a Principal Transition Coordinator,,tutors and instructional coaches.
14. Security measures will be taken for von Humboldt and Duprey students by the CPS Office of Safety and Security, in conjunction with the Chicago Police Department and community groups. This will include Safe Passage supports.
15. Social and emotional supports will also be provided, such as intervention programs and meetings, fostering individualized attention.
16. Additional supports will also be provided for students with unique needs ,such as English language learners and students with diverse learnind needs.
17. Concerns, topics and proposals suggested by the public were passionately and thoughtfully expressed.. Most of these concerns, however, can be effectively dealt with by the CEO's proposals, transition plan and supports and do not weigh against the fact that the proposal complies with the law and CEO Guidelines.
18. I am not in a position to assess or verify some of the proposals or questions raised by the public., however..Among these would be the feasibility of the proposals to combine von Humboldt and Duprey; and to combine the Child Parent Center with the two schools; the accuracy of the utilization figures given by the public speakers relating to the schools' .. CIWP plan and whether von Humboldt is a school "on the rise" based on the CEO's notice of which schools would be exempted from closure. Only the CEO or the Board can make those determinations, which I urge them to do, if they not already have, before a final decision is made.

## RECOMMENDATIONS

With appropriate consideration to the passion , emotion, time and effort put it on both sides of this  
I  
issue, setting aside the questions raised in item 18 of the Statement of Findings, the Hearing  
Officer finds that the proposed closures comply with the law and CEO Guidelines, and  
recommends , in accordance with the CEO's proposal, that she recommend to the Board ,and the  
Board approve, the closure of both Alexander von Humboldt and Ana Roque de Duprey  
Elementary Schools.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gilbert J. Grossi". The signature is fluid and cursive, with the first name "Gilbert" and last name "Grossi" clearly distinguishable.

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

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

**Effective: November 30, 2012**

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

**5/34-225. School transition plans**

§ 34-225. School transition plans.

(a) If the Board approves a school action, the chief executive officer or his or her designee shall work collaboratively with local school educators and families of students attending a school that is the subject of a school action to ensure successful integration of affected students into new learning environments.

(b) The chief executive officer or his or her designee shall prepare and implement a school transition plan to support students attending a school that is the subject of a school action that accomplishes the goals of this Section. The chief executive must identify and commit specific resources for implementation of the school transition plan for a minimum of the full first academic year after the board approves a school action.

(c) The school transition plan shall include 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.

(d) When implementing a school action, the Board must make reasonable and demonstrated efforts to ensure that:

(1) Affected students receive a comparable level of social support services provided by Chicago Public Schools that were available at the previous school, provided that the need for such social support services continue to exist; and

(2) Class sizes of any receiving school do not exceed those established under the Chicago Public Schools policy regarding class size, subject to principal discretion.

**GUIDELINES FOR SCHOOL ACTIONS<sup>1</sup>**  
**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 20<sup>th</sup> 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**

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<sup>1</sup> 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, PSAE 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 PSAE 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_CPS/Policies_and_guidelines/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