

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

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| <b>In the matter of:</b>                  | ) |                            |
| <b>The Hearing to take Public Comment</b> | ) | <b>Philip L. Bronstein</b> |
| <b>On the Proposed Closing of:</b>        | ) | <b>Hearing Officer</b>     |
| <b>Robert Emmet Elementary School</b>     | ) | <b>2013</b>                |

**Hearing Officer's Report and Recommendation  
To the Chief Executive Officer  
Regarding the Proposal to Close  
Robert Emmet Elementary School  
5500 West Madison Street**

**INTRODUCTION**

On April 17, 2013 at 8:00 p.m., the undersigned, an attorney licensed to practice law in Illinois, convened, as Independent Hearing Officer, a public hearing at 125 South Clark Street, Chicago, Illinois, to receive comment from interested persons regarding the proposed closure of Robert Emmet Elementary School (Emmet). Should the Board approve the closure of Emmet, Emmet students will be enrolled at Oscar DePriest Elementary School (DePriest), 139 South Parkside Avenue, and Edward K. Ellington Elementary School (Ellington), 243 North Parkside Avenue, for the 2013-2014 school year, depending in which attendance area they reside, unless another option is selected.

A certified shorthand reporter transcribed the Hearing. A Spanish language and sign interpreter were present. Notice of this Hearing was sent to the principal, staff, local school council, parents or guardians as well as 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 on April 3, 2013.

Preceding the present Hearing, the CEO of Chicago Public Schools conducted, through her representatives, two Community Meetings, one on April 10, 2013, and the second on April 15, 2013. Both meetings were held at Austin High School, 231 North Pine Avenue in Chicago. The Hearing Officer has received verbatim transcripts of these meetings and statements made are considered herein.

The Public Hearing was conducted pursuant to 105 ILCS 5/ 34-230, and CEO Procedures for Public Hearings on Proposed School Closure, Consolidation, Co-Location, Phase-Out, or Reassignment Boundary Change and Guidelines for School Actions 2012-2013 School Year.

### **Relevant Statutes**

- 105 ILCS 5/ 34-18 (Powers of the Board)
- 105 ILCS 5/ 34-200 (Definitions)
- 105 ILCS 5/ 34-225 (School Transition Plans)
- 105 ILCS 5/ 34-230 (School Action Public Meetings and Hearings)
- 105 ILCS 5/ 34-232 (Proposed School Action Announcement and Notice; 2012-2013 School Year)

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

- Guidelines for School Actions, 2012-2013 School Year
- Chief Executive Officer's Procedures for Public Hearings on Proposed School Closure, Consolidation, Phase-Out, or Reassignment Boundary Change
- Chicago Public Schools Space Utilization Standards (Issued December 28, 2011)
- Chicago Board of Education Policy on Review and Establishment of School Attendance Boundaries (Policy Manual Section 703.2, Board Report 05-0622-P01)
- Chicago Board of Education School Performance, Remediation, and Probation Policy for the 2011 – 2012 School Year (Policy Manual Section 302.6A, Board Report 10-0728-P04)

### **Exhibits**

Mr. Joseph Gergeni, an attorney for 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 letter to Parents or Guardians of Students at Robert Emmet Elementary School, Oscar DePriest Elementary School, and Edward K. Ellington Elementary School dated March 21, 2013 and Draft Transition Plan for the Proposed Closure of Robert Emmet Elementary School
2. Notice Letter to School Administrators, Faculty, Staff, and Local School Council Members at Robert Emmet Elementary School, Oscar DePriest Elementary School, and Edward K Ellington Elementary School dated March 21, 2013 and Draft Transition Plan for the Proposed Closure of Robert Emmet Elementary School
3. Affidavit of Jeff Broom, Performance Data Analyst for Chicago Public Schools regarding mail and/or personal delivery of Notice Letter to Parents/Guardians, School Personnel and Local School Council Members of Robert Emmet Elementary School, Oscar DePriest Elementary and Edward K. Ellington 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 to 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: Draft Guidelines for School Actions on or about October 31, 2012, Guidelines for School Actions on or about November 30, 2012, Proposals on or about March 21, 2013 and Summaries from Community Meeting on or about April 15, 2013.
6. Public Notice of Hearing and Community Meeting by Newspaper Publication in the Chicago Sun-Times beginning April 3, 2013.

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

**C. DOCUMENTS AND WRITTEN EVIDENCE IN SUPPORT OF THE PROPOSAL**

17. Transcript of the April 10, 2013 Community Meeting regarding The Proposed Closure of Robert Emmet Elementary School
18. Summary of the April 10, 2013 Community Meeting regarding The Proposed Closure of Robert Emmet Elementary School

19. Transcript of the April 15, 2013 Community Meeting regarding The Proposed Closure of Robert Emmet Elementary School
20. Written Statement of Patrick Payne, Portfolio Planner for the Chicago Public Schools
21. Presentation Accompanying Patrick Payne's Written Statement
22. Map of Proposed Attendance Area Boundary Change
23. Written Statement of Chandra James, Chief of Schools of the Austin-North Lawndale Elementary Network for the Chicago Public Schools
24. Robert Emmet Elementary School, Oscar DePriest Elementary School, and Edward K. Ellington Elementary School Performance Policy Reports

#### BOARD PRESENTERS

Patrick Payne  
Portfolio Planner for the Chicago Public Schools

Mr. Patrick Payne presented his credentials and explained that he manages strategic planning to improve the efficient utilization of CPS facilities. He further explained that under the CEO's Guidelines for the 2012-2013 School Year (Guidelines), the CEO may propose to close a school if, based on CPS Utilization Standards, the school is underutilized, taking into account enrollment numbers recorded on the 20<sup>th</sup> attendance for the 2012-2013 school year. The attendance number for Emmet, as of the 20<sup>th</sup> day of attendance, is 458. Further, the CEO may propose closure only when impacted students are given an option to enroll in a higher performing school and the receiving school space utilization will not exceed that facility's enrollment efficiency range as defined by the CPS Space Utilization Standards.

The enrollment efficiency range is plus or minus 20% of the facility's ideal enrollment. Ideal enrollment is defined as the number of homerooms multiplied by 30. Typically, allotted homerooms comprise 76%-77% of total classrooms available. A school may be considered underutilized when enrollment is below the efficiency range. This occurs when classrooms are not used as effectively as possible, thereby unnecessarily depleting already strained resources.

Applying the above formula to Emmet indicates that Emmet is underutilized.

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| ▪ Total classrooms:   | 30.5    |
| ▪ Homerooms (76%-77% of 30.5):                                  | 23      |
| ▪ Ideal student enrollment (23 X 30):                           | 690     |
| ▪ Enrollment efficiency range (+ or - 20% of ideal):            | 552-828 |
| ▪ Enrollment of Emmet as of 20 <sup>th</sup> day of attendance: | 458     |

The CEO has proposed that students from Emmet be welcomed at DePriest and Ellington. Applying the formula to DePriest, Mr. Payne determined that DePriest, with 40 total classrooms and an enrollment of 549 students, has an ideal enrollment of 900 students, and an enrollment efficiency range between 720-1080. The 2013-2014 projected enrollment of DePriest combined with Emmet students projected to be reassigned to DePriest is 712, which is just below the efficiency range of the DePriest facility.

Applying the same formula to Ellington, Mr. Payne determined that Ellington has 40 total classrooms and an enrollment of 337 students and an enrollment efficiency range between 720 and 1080 students. The 2013-2014 projected enrollment of Ellington, including the additional students projected to be reassigned to Ellington from Key as well as Emmet, is 814. The projected combined enrollment falls within the efficiency range of the Ellington facility.

If Emmet is closed, its attendance area will be reassigned to DePriest and Ellington at the end of the current school year. The boundary changes were determined based on factors outlined in the Review and Establishment of School Attendance Boundaries Policy. Emmet students who currently live **outside** of the Emmet attendance area will be assigned a welcoming school based on the proximity to the student's home address and availability of space. Mr. Payne described methods of notification to parents or guardians of Emmet students as to which welcoming school their students would attend.

Chandra James  
Chief of Schools for the Austin-North Lawndale Elementary Network

Ms. James presented her credentials and stated that she is responsible for the support and oversight of Emmet, Ellington and DePriest on behalf of the CEO. She confirmed that under Guidelines and CPS Space Utilization Standards, Emmet is underutilized, and if closed, DePriest and Ellington have sufficient facilities to welcome Emmet students in the 2013-2014 school year, while remaining within the enrollment efficiency range. Ms. James reviewed the published Performance Policy status for the 2011-2012 school year of DePriest, Emmet and Ellington and stated that Emmet students will be attending a higher performing school based upon the CEO's Guidelines for School Action. Emmet received a Level 3 rating, DePriest received a Level 2 rating, and Ellington received a Level 1 rating.

Ms. James detailed the additional support that the Network would provide to Emmet this year and DePriest and Ellington next year if the Board authorizes the proposed closure of Emmet. The resources dedicated to facilitating the transition process (should Emmet be closed) include the provision of services to address the academic, social and emotional needs of students as well as safety concerns. These are addressed in a Draft Transition Plan previously furnished to all families affected by the proposal. A Final Transition Plan incorporating feedback from the community as well as other sources will be prepared, should Emmet be closed.

Ms. James discussed in some detail extensive plans already developed that will be refined over time as the process of closure and transition (if approved) moves forward. These include plans to address safety concerns (including Safe Passage support), the assignment of a Principal Transition Coordinator, social and emotional support to help students work through concerns associated with transition and helping DePriest and Ellington leadership institute culture-building activities. Additional support will be provided to students who have unique needs or circumstances.

Ms. James confirmed that beginning this fall, DePriest and Ellington students will have an opportunity to participate in the International Baccalaureate Programme (IB).

#### PUBLIC SPEAKERS

Dwayne Truss

Community Member and Vice Chairperson of the Austin Action Council

Mr. Truss stated that DePriest and Ellington, being newer buildings, are likely ADA Compliant and have rooms dedicated for children who have unique needs. He wondered whether the Chicago Public School classroom count and the application of utilization standards were accurate, given ADA requirements. Mr. Truss also questioned, citing ISAT composite test scores, whether DePriest was a better performing school than Emmet. He noted that Emmet was outperforming some charter schools. Mr. Truss also took issue with CPS utilization standards. He believed that they lacked academic rigor.

Bonita Robinson

Retired Teacher and Community Member

Ms. Robinson, a former teacher, said she believes that school reform in the last 20 years failed to achieve historically earlier successes in bridging the performance

"gap between black and white students." She feared that the transition from Emmet to DePriest and Ellington would result in students falling through the cracks and failing to attend school. Ms. Robinson tendered a petition demanding a moratorium on school closings. It is a part of this Record.

Lettrice Jameson  
Local School Council President

Ms. Jameson stated that she has four children who currently attend Emmet. They are all on the honor roll. She was upset that her children would be moved from a school where they are currently succeeding. Ms. Jameson, who originally wanted her children to attend Ellington, but was denied, feels Emmet should be improved rather than closed. She also felt charter schools should be closed.

Tammie Vinson  
Special Education Teacher at Emmet

Ms. Vinson said that Emmet has been unfairly targeted for closing. She is worried that students transitioning to DePriest and Ellington will be subjected to gang activity. She is also concerned that Emmet teachers will be at risk for losing their jobs.

Brandon Johnson  
Teacher, CTU Organizer and Community Member

Mr. Johnson, who is opposed to closing Emmet, said he believes the projected closing unfairly targets black students and eliminates the gains in academic opportunity they have fought hard to achieve. He believes significant numbers of students will be lost in transition. According to Mr. Johnson, the city has "a real systemic problem... of how we treat our children...how we listen to our parents. This is an opportunity to get it right," he says. "Let's not continue down the course of failed policies."

Arlecia Reynolds  
Grandparent, School Assistant

Ms. Reynolds, a longtime resident of the community, has four sons who attended Emmet. She attended Emmet, herself, and worked for CPS for 21 years. Currently, her grandchildren attend Emmet. Ms. Reynolds said Emmet has steadily progressed over many years. She said she is worried about students having to cross gang lines as well as about a high rate of dropouts.

Ackisha Williams  
Teacher and Parent

Ms. Williams said she is “bewildered...and outraged” about the decision to close Emmet. She believes Emmet’s utilization rate is higher than other schools that have been removed from the closure list. She said Emmet has steadily progressed in spite of roadblocks. She cites ISATs in the 70<sup>th</sup> percentile. She said parents feel they have “no voice and no choice.”

Deborah Graham  
Alderman

Alderman Graham said she is “standing unified” with the community to ask that Emmet remain open. She asked that CPS remain open to parent input and that Chicago public schools be given more support.

## **FINDINGS AND RECOMMENDATIONS**

The Independent Hearing Officer makes the following findings concerning the CEO’s proposal to close Robert Emmet Elementary School (Emmet):

- The CEO has satisfied notice requirements set forth in 105 ILCS 5/34-230, 105 ILCS 5/34-232, and Guidelines for School Actions 2012-2013 School Year (Guidelines).
- According to the Guidelines, the CEO may propose a school closure if a school is underutilized and (a) students impacted by a closure have the option to enroll in a higher performing school and (b) resulting space utilization after closure or reassignment boundary change is within the receiving (welcoming) schools enrollment efficiency range. The Guidelines set forth additional information that the CEO may wish to consider.
- Under CPS Space Utilization Standards (Standards), Emmet is underutilized. Under the Standards, the Emmet facility, with 30.5 allotted homerooms, has an ideal enrollment of 690 students with an enrollment efficiency range of 552-828 students. Emmet’s enrollment, as of the 20<sup>th</sup> attendance day of the 2012-2013 school year, is 458.



- The resulting space utilization after closure is within the enrollment efficiency range of Edward K. Ellington Elementary School (Ellington) and Oscar DePriest Elementary School (DePriest). Ellington, the first welcoming school, with 30 allotted homerooms, has an ideal enrollment of 900 students and an enrollment efficiency range of 720-1080. Ellington has a current enrollment of 337 students. Projected enrollment of Ellington, including students from both Key and Robert Emmet Elementary School (Emmet), (if closure is authorized by the Board) would be 814 students, which is within the enrollment efficiency range of Ellington, 720-1080. DePriest, the second welcoming school, also with 30 allotted homerooms, also has an ideal enrollment of 900 students and an enrollment efficiency range of 720-1080. DePriest has a current enrollment of 549 students. The 2013-2014 projected enrollment of DePriest combined with Emmet students is 712. This falls just below the efficiency range of the DePriest facility.
- If Emmet is closed, former Emmet students will attend a higher performing school in accordance with Guidelines and CPS Performance Policy for the 2011-2012 School Year. Emmet received a Level 3 rating, while DePriest received a Level 2 rating and Ellington received a Level 1 rating.
- In proposing a boundary change, the CEO has considered factors annunciated in the Chicago Board of Education Policy on Review and Establishment of School Attendance Boundaries (Policy Manual Section 703.2, Board Report 05-0622-PO1).
- Plans have been made and set forth in a Draft Transition Plan to address academic, social, and emotional support as well as safety of impacted students. It is expected that these plans, should the Board approve closure, will be refined and enhanced after input from community members and other resources, culminating in the issuance of a final transition plan.

For the reasons stated above, the Independent Hearing Officer finds that the CEO has followed all relevant statutes and proper procedures and that the proposal to close Emmet is appropriately before the Board.

Submitted this 3rd day of May, 2013



Philip L. Bronstein, Independent Hearing Officer