

In Re: The Matter of the Proposal to Close) HON. BERNETTA D. BUSH (RET.)
)
) Independent Hearing Officer
Garfield Park Preparatory Academy)
Elementary School)
Chicago, IL)
)

HEARING OFFICER REPORT AND RECOMMENDATIONS

BACKGROUND

On April 10, 2013, the undersigned attorney, licensed to practice in Illinois, was appointed to serve as an Independent Hearing Officer , pursuant to 105 ILSC 5/34-230(f) in the above matter. On April 26, 2013, at 8:00 P.M. a hearing was conducted in the Board Room of the offices of the Board of Education of the City of Chicago, located at 125 South Clark Street, Chicago, Illinois.

SUMMARY OF PROPOSED ACTIONS

The Chief Executive Officer (CEO) of the Chicago Public Schools (CPS), Barbara Byrd-Bennett, has proposed that the Chicago Board of Education (Board) approve her proposal to close Garfield Park Preparatory Academy ES, located at 3250 W. Monroe Street, Chicago, IL at the end of the current school year because it is underutilized, based upon CPS Space Utilization Standards and student enrolment numbers recorded on the 20th attendance day for the 2013-2013 school year. Specifically, Garfield had 154 students enrolled on the 20th day of attendance

for the 2012-1013 school year, but has the capacity to serve 390 students. Because of the “underutilization” of the Garfield facility the CEO is recommending that Garfield students be relocated to Michael Faraday Elementary School, located at same address. Although Garfield is a magnet school, Faraday as the welcoming school will not gain a magnet school designation. The CEO is also proposing that the geographic boundary currently associated with Garfield be reassigned to Faraday, thus making Faraday the new neighborhood school for students living in the current Garfield boundary.

NOTICE OF HEARING

On or before March 31, 2013 the CEO must publish notice of the proposed school action, in accordance with 105 ILCS 5/34-232. The CEO shall provide notice of the proposed school actions at least 15 calendar days in advance of a public hearing or meeting. The notice shall include a written statement of the proposed action and how the proposed action meets the criteria set out in the guidelines published by CPS. Notice must be sent to the principal, staff, local school council, parents or guardians of the affected schools.

Additionally, the CEO must include in the Notice a draft school transition plan. The draft school transition plan will include, but not be limited to, the following; (1) Services to support the academic, social and emotional needs of the student; supports for students with disabilities, homeless students, and English language learners; and supports to address security and safety issues; (2) options to enroll in higher performing schools; (3) informational briefings regarding the choice of schools that include pertinent information to enable the parent or

guardian and child to make an informed choice, including the option to visit the school of choice prior to making a decision; and (4) provision of transportation where practicable.

The CEO must provide at least three opportunities for public comment on the proposed school action. At least two of these meetings must be held at sites convenient to the school and affected communities. One public hearing must be held at the Board of Education's offices.

Notice of public comment and public hearing was sent to the parents or guardian of students, administrators, faculty, staff and local school council members, aldermen and legislators of Garfield Park Preparatory Academy Elementary School and Michael Faraday Elementary School on March 21, 2013, as required by Illinois law, and/or the Chicago Board of Education's applicable Policies, Guidelines and Procedures. Notices were sent by US mail, electronic mail and posted on CPS website. (See CPS Exhibits 1A (1-6).

Community hearings were held on April 6, 2013 and April 11, 2013. The public hearing was held on April 26, 2013, at 8:00 P.M. In accordance with 105 ILCS 5/34-230 (f), an independent Hearing Officer who is a licensed attorney was selected to preside over the Public Hearing. The Hearing Officer must issue a report summarizing the public hearing and determine if the CEO has complied with the requirements of the statute.

If the CEO proposes a school action that does not comply with the statute, the Board shall not approve the proposal during the school year in which the action was proposed. No Board action regarding the proposed school action may take place less than 60 days after the proposed school action. (105 ILCS 5/34-230(c) (5).

CRITERIA FOR SCHOOL CLOSURE

In accordance with the Guidelines for School Actions 2012-2013 School Year (105 ILCS 5/34-230), the CEO may propose closure of a school using the following criteria:

1. Space utilization
2. The CEO may only propose closure if:
 - (a) The students impacted by the closure or boundary change have the option to enroll in a higher performing school; and,
 - (b) The resulting space utilization and boundary change will not exceed the facility's enrollment efficiency range as defined by CPS' Utilization Standards.
3. Additional Information to Consider

In determining whether to propose a closure or boundary change, the CEO may consider 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, analysis of transition planning cost, neighborhood development plans, whether the school has recently been affected by any school actions, changes in academic focus, or proximity, capacity and performance of other schools in the community.

HEARING

The hearing was convened pursuant to 105 ILCS 5/34-230. The purpose of the hearing was to elicit public comments from concerned persons, including representatives of the CEO., parents of the school, members of the local school council, principal, teachers, staff and

students of the local school , aldermen , legislature, representatives of the Teachers' Union, and interested members of the public, regarding the CEO's proposal that Garfield Elementary School be closed at the end of the current school year and that returning Garfield students be reassigned Faraday.

**SUMMARY OF EVIDENCE RECEIVED AT THE PUBLIC HEARING
Chicago Public School Representatives**

The CEO presented two witnesses to support her proposal for the closure Garfield and the request that Garfield's boundary be included as a part of Faraday's boundary. A summary of their testimony is as follows:

Patrick Payne - Portfolio Planner, CPS

I am a Portfolio Planner for the Chicago Public Schools. I have been asked to appear at this hearing today to convey to you, the parents and the community, as well as interested members of the public in attendance, information regarding the space utilization of the Garfield Park facility with respect to the proposal to close Garfield Park.

According to the Chief Executive Officer's Guidelines for the 2012-2013 school year, the CEO may propose to close a school if it is underutilized based on CPS Space Utilization Standards and student enrollment numbers recorded on the 20th attendance day for the 2012-2013 school year. The CEO may only propose a closure if the impacted students have the option to enroll in a higher performing school and the resulting space utilization after the

closure will not exceed the facility's enrollment efficiency range as defined by the CPS Space Utilization Standards.

Garfield Park is currently located at 3250 West Monroe Street. Garfield Park is an elementary school that, as of the 20th day of attendance for the 2012-2013 school year, serves 154 students in kindergarten through 6th grades.

To understand the enrollment efficiency range of a facility, Chicago Public Schools utilizes its Space Utilization Standards (See Tab 14 CPS Exhibits)

The enrollment efficiency range is plus or minus 20% of the facility's ideal enrollment. For elementary school facilities, the ideal enrollment is defined as the number of allotted homerooms multiplied by 30. The number of allotted homeroom classrooms is approximately 76 to 77% of the total classrooms available. As an elementary school's enrollment increases above the efficiency range, a school may be considered overcrowded as programming options are reduced or compromised. As an elementary school's enrollment decreases below the efficiency range, a school may be considered underutilized as classrooms are unused or poorly programmed, making the use of limited resources less effective.

There are 36 total classrooms within the 3250 West Monroe Street facility and because Garfield Park is co-located with another school—Michael Faraday Elementary School—an appropriate proportion of the total classrooms within this facility are made available to each of the two schools as determined by enrollment.

Eighteen classrooms are available to Garfield Park. Approximately 76 to 77% of this number is 13, the number of allotted homerooms. This number multiplied by 30 yields the ideal enrollment of Garfield Park, which is 390. As such, the enrollment efficiency range of

Garfield Park is between 312-468 students. The enrollment of Garfield Park, as of the 20th day of attendance for the 2012-2013 school year, is 154. This number is below the enrollment efficiency range, and thus, the school is underutilized.

The CEO has proposed that the students from Garfield Park be welcomed at Faraday, the school with which Garfield Park is currently co-located. If this proposal is approved by the Board of Education for the City of Chicago, the resulting space utilization will not exceed the enrollment efficiency range of the 3250 West Monroe facility as defined by the CPS Space Utilization Standards.

As with Garfield Park, 18 classrooms are also available to Faraday, bringing the total number of classrooms at the facility to 36. Approximately 76 to 77% of this number is 27, the number of allotted homerooms. This number multiplied by 30 yields the ideal enrollment of the facility, which is 810. As such, the enrollment efficiency range of the 3250 West Monroe facility is between 648-972 students. Faraday currently has 184 students enrolled.

Garfield Park and Faraday are both underutilized and so both schools were initially considered eligible for closure. However, Faraday met one of the exclusionary criteria which removed the school from consideration of closure. The criteria excluded schools with a Level 1 performance rating, Faraday has a Level 1 rating while Garfield has a Level 3 rating as such, the CEO has recommended Garfield Park and not Faraday for closure.

Mr. Payne further indicated during his testimony that even after Garfield if closed and Faraday becomes the receiving school for Garfield students the new projected enrollment at Faraday will only be 338 which is still significantly below the efficiency range of 648-972

students. Mr. Payne suggested that CPS would employ other strategies to improve the attendance level at Faraday for the 2013-2014 school year.

Wanda Washington, Chief of Schools for Garfield-Humboldt Elementary Network

My name is Wanda Washington. I am the Chief of Schools for the Chicago Public Schools, Garfield-Humboldt Elementary Network. Chicago Public Schools are divided up into Networks. Network offices are run by a Chief and provide support and oversight for the schools assigned to them on behalf of the CEO. Michael Faraday Elementary School is within the Garfield-Humboldt Elementary Network and I am responsible for the support and oversight of Faraday on behalf of the CEO.

Garfield Park fits the criteria of the Chief Executive Officer's Guidelines for School Actions because it is underutilized based on CPS Space Utilization Standards and student enrollment numbers recorded on the 20th attendance day for the 2012-2013 school year. Garfield Park students will be welcomed by Faraday, located at 3250 West Monroe Street. The facility at 3250 West Monroe Street has enough space to welcome the Garfield Park students and the resulting combined enrollment will not exceed the facility's enrollment efficiency range.

Garfield Park students will be attending a higher performing school based on the CEO's Guidelines for School Actions. One way that the CEO's Guidelines for School Actions define a higher performing school is if a school received a higher level on the Performance Policy for the

2011-2012 school year. Under the CPS Performance Policy (See Tab 12 CPS Exhibit), each school receives an annual rating based on its performance on a variety of student outcome measures, including standardized test scores and student attendance. District-wide, schools designated Level 1 are the highest performing and schools designated Level 3 are the lowest performing. Garfield Park received a Level 3 rating for the 2011-2012 school year, while Faraday received a Level 1 rating.

If this proposal is approved, students will receive additional supports at Garfield Park during the remainder of this school year and at Faraday next year, and the Network will provide assistance to ease the transition process as much as possible. CPS has developed a plan dedicating additional resources to address any safety concerns and to fulfill students' academic, social and emotional, and other individual needs. CPS will publish final transition plans, if the Board approves this proposal, which will incorporate feedback from community meetings, this hearing, and additional input received.

The CPS Office of Safety and Security, or OSS, has worked with the Chicago Police Department, Department of Family and Support Services, local community groups and faith partners, elected officials, and other sister agencies to develop a plan for the safe transition of students.

Students will receive academic supports as they transition. Students will also receive social and emotional supports to help them adjust to a new school environment. Additional transition supports will be provided to ensure that Garfield Park students who have unique needs or circumstances are adequately supported in this transition, including students with

diverse learning needs, students in temporary living situations, English language learners, and early childhood participants.

Garfield Park is underutilized, the combined enrollment of Garfield Park and Faraday students at the 3250 West Monroe Street facility will not exceed the facility's enrollment efficiency range, and Faraday is a higher performing school. The CEO believes that this proposed school closure will help the District better serve all students and is prepared to assist students with additional supports as they transition.

Comments from the Public on the Garfield Closing:

Three persons attended the public hearing for Garfield and one person appeared to present comments.

Verity Sandell, Community Member

Ms. Verity Sandell commented as follows:

I'm just here as a concerned community member, and my primary concern is just actually what you just brought up, was the fact that when these two schools combined they will still be under the utilization rate. Washington Park has actually undergone a lot of transition in the last four years. It was turned into a charter school in 2009, and then just this last school year it was a turnaround school with a new principal and a new assistant principal. And as somebody who is watching CPS try to make the most of its resources, it seems that it's a school where we are continuing to pour in resources. And I would just want the Board to consider

what they are doing to make sure it sticks this time. Understanding that it's somewhat of a fiction that they are merging, because I think they are both in the same building right now. But just as someone who is concerned about that, to think about the kids and the transition that they are going through so that they don't have to continuously have changeover in their neighborhood school.

Summary of Documents Received

Documents submitted at the Hearing by CPS

The CEO, through the CPS Law Department, submitted several documents at the hearing that were received as exhibits by the Hearing Officer and made part of the record in this case. The documents included : CPS Group Exhibit 1(A) (1-6) Notices of the Hearing; CPS Group Exhibit1 (B) (7-16) Relevant Procedural Documents; CPS Group Exhibit 1 (C) (17) Transcript of the April 6, 2013 Community Meeting,(18) Summary of the April 6, 2013, Community meeting,(19)Transcript of the April11, Community Meeting,(20)Summary of the April 11, 2013 Community Meeting, (21)Written Statement of Patrick Payne, Portfolio Planner, CPS, (22)Graphs for Garfield and Faraday Schools,(23) Map of proposed Attendance Area, (24) Written Statement of Wanda Washington, Chief of the Garfield Humboldt Network for CPS, and (25) Garfield and Faraday Performance Policy Papers.

Documents Submitted at the Hearing by the Public

No documents were submitted at the hearing by public participants regarding the Closure of Garfield Park Academy.

Additional Written Testimony Submitted Post-Hearing

The record in this matter was left open following the Public Hearing held on Friday April 26, 2013 until 5:00 P.M., Monday April 28, 2013 to allow the Hearing Officer to receive additional comments.

No additional documents were submitted pursuant to this provision.

HEARING OFFICERS FINDINGS

Proper notice of the hearing in this matter was given as required by Illinois law, the Chicago Public Schools' Policy on Closings of Schools, and the Procedures for Hearings on Proposed School Closings, Consolidations, Attendance Area Boundary Changes, or Reconstitution. The purpose of the Public Hearing was to give representatives of the Chief Executive Officer("CEO"), parents and guardians of the students of the school, members of the local school council, members of the schools' staff, the schools' Principals, representatives of the Chicago Teachers Union, Elected Officials within the schools' boundaries, and interested members of the public, opportunities to comment on whether Garfield should be closed and students welcomed Faraday and whether the geographical boundary currently associated with Garfield be reassigned to Faraday.

Pursuant to notice, two Community meetings were held in this matter on April 6, 2013 and April 11, 2013. On April 26 a public hearing was held at the Board of Education, 125 South Clark, Chicago, Illinois. The hearing was convened at 8:00 p.m. in accordance with 105 ILCS 5/34-230(f).

The Public Hearing required to be conducted prior to the proposed closing of a Chicago Public school has taken place in this matter in compliance with all applicable Board Policies.

The Chief Executive Officer (CEO) is charged with the overall management of the Chicago Public Schools, and possesses all other powers and duties granted the General Superintendent to mandate the courses of studies required by state law, textbooks, educational apparatus and equipment, discipline in the conduct of the schools, and any such other duties as the Board may prescribe by rule, in accordance with 105 ILCS 5/34-3.3. The Chicago Board of Education has the power to "apportion the pupils of several schools" in accordance with 105 ILCS 5/34-18.

The CEO's proposal for Garfield Park Preparatory Academy, located at 3250 West Monroe, Chicago, Illinois, 60624 is that it be closed at the end of the current school year, 2012-2013, and that returning Garfield students be assigned to Faraday Elementary School, located at the same address. The CEO also recommends that the geographical boundary currently associated with Garfield be reassigned to Faraday. This proposal for Garfield was made pursuant to the "Guidelines for School Actions", 2012-2013 School Year. Guideline, a (1) gives the CEO the authority to propose a closure for Space Utilization. Pursuant to this guideline a school may be considered for closure and boundary reassignment if it is underutilized or over crowded based on CPS' Space Utilization Standards and student enrollment numbers recorded

on the 20th attendance day for school of the 2012-2013 school year.{see CPS Exhibit B(15)} .

The proposed closure of Garfield by the CEO is based upon this provision. The CEO has also noted that although she has indicated that Garfield has been rated as a lower performing School than Faraday, that her recommendation for closure is not based on this fact. {See CPS Exhibit C (25)}.

The CEO's has proposed to close Garfield , which currently serves students in Kindergarten through 6th grades, at the end of the current school year, because based upon CPS Space Utilization Standards and student enrollment numbers recorded on the 20th day for the 2012-2013 school year Garfield is underutilized. On this date Garfield Park had 154 students enrolled, but has the capacity to serve 390 students. Space Utilization Level is defined as when the "space available at a school or schools in close proximity is not being used in the most efficient, cost-effective manner." An under –enrolled school is not using its space in an efficient, cost effective manner. {See CPS Exhibit 1 (B) (14)}.

Garfield is currently co-located with Faraday, and is allocated 18 classrooms in the facility located at 3250 West Monroe. Of this number 13 or 77% of this number is allocated to classrooms. Based on CPS Space Utilization Standards, Garfield's ideal enrollment is 390. With an efficiency range of 312-468 students, Garfield's enrollment of 154 on the 20th day of the current school year falls below this range. It should also be noted that Faraday, the welcoming school has an enrollment of 184. Faraday's ideal enrollment is 810 with an efficiency range of 684-972. Faraday is also underutilized and eligible for closure. However, Faraday met one of the exclusionary criteria for closure which removed it from consideration for closure. The closure criteria exclude schools with Level 1 performance ratings and Faraday received a Level 1

rating for the 2012-1013 school year, while Garfield received a Level 3 rating. Since the two school occupied space in the same facility and Garfield was a rated as a lower performing school, the CEO recommended closure of Garfield satisfies this requirement specified in the Guidelines.

The CEO has submitted a transition plan for the students at Garfield if the proposal for closure of Garfield is approved by the Board. The transition plan requires that additional support services for Garfield during the remainder of this school year, and at the Faraday the welcoming school next school year. The plan requires that the Garfield-Humboldt Elementary Network provide assistance to ease the transition process as much as possible. The plan dedicates additional resources to address safety concerns and to fulfill students' academic, social, emotional and other individual needs. Due to the fact that Garfield is co-located in the same building with Faraday and that there will be no new safety or cultural impact issues that arise, this aspect the CEO'S proposed transition plan satisfies the Guidelines for closure of Garfield.

The CEO has affirmed that if the closure is approved transitioning students from Garfield will receive academic support including the following: a) A Principal Transition Coordinator, or PTC whose role will be to help the principal of Garfield maintain academic rigor for the remainder of the school year and ensure a smooth transition to Faraday; b) The welcoming school Faraday will be provided comprehensive, student specific data on all transitioning students; c) The Chief of Schools for the Garfield-Humboldt Elementary School Network will set aside May1,8, and 15 from 1:00 to 3:00 at 2908 west Washington to welcome families and students affected by this school action to discuss concerns and educational

options; and d) Principals at the affected schools will receive discretionary resources to provide direct academic support to the students.

The CEO has also agreed to provide social and emotional supports to the affected students if the recommended closure is approved by the Board. These supports include the following: a) CPS will help school staff members facilitate intervention groups or peace circles aimed at assisting students with concerns associated with the transition; b) CPS will help staff members implement restorative practices, such as peer circles and peer juries to encourage peer to peer problem solving and resolution; c) Students in need of more individualized attention will be provided with access to highly structured interventions; and d) CPD will provide resources for Faraday leadership to implement culture and trust building activities.

If the proposal is approved Garfield students with disabilities and students participating in the Students in Temporary Living Situations Program who currently attend Garfield will continue to be serviced and will receive additional support services to assist in their transition to Faraday.

If the proposal for closure of Garfield is approved, the CPS Office of Safety and Security (OSS) will review and update school safety audits, security personnel allocations and school safety enhancements. It will also provide Safe Passage supports for students and staff traveling to and from the school. Prior to the start of the 2013-2014 OSS will work with Faraday administration and community to designate specific intersections for safe passage supports.

The Hearing Officers notes that even after the proposed recommendation for Faraday to become the receiving school for Garfield students takes effect, the projected enrollment for Faraday still falls below the efficiency range of enrollment assigned by CPS and Faraday would

still be qualified as a underutilized school in accordance with the Guidelines. To address this issue CPS representatives have indicated that they will employ additional methods to improve enrollment at Faraday to achieve greater utilization for the 2013-2014 school year.

A review of the laws effecting the appointment of Hearing Officers for these matters reveals that the jurisdiction of the Hearing Officer pursuant to 105 ILCS 5/34-230 is limited. In accordance to section 230 the Hearing Officers function is to determine whether the CEO complied with the Guidelines issued in accordance to this section.

The Hearing Officer finds that while the Guidelines articulated by CPS address how it determines which school to close when it deems that two school in proximity are determined to be underutilized in accordance with the criteria, it however, is not clear in the Guidelines what criteria is used if the receiving school remains underutilized after the combining of the schools, as is in the case of Garfield and Faraday. The record indicates that Faraday will still be under the efficiency range determined by CPS and still be qualified as an underutilized school. None withstanding, the Hearing officer finds that no prejudice has been shown since the schools are already co-located and CPS has indicated that it will employ additional strategies to increase Faraday's enrollment to meet the efficiency range during the 2013-2014 school year. The Hearing Officer finds further that the CEO should explain how continued underutilization will be addressed after a school action has been approved in the Guidelines established for School Closures.

The Hearing Officer finds that the CEO's proposed closure of Garfield Park Preparatory Academy due to underutilization and the proposed transition plan due to underutilization meets all of the criteria specified in the Guidelines and is not an abuse of discretion afforded

the CEO. Further the Hearing Officer finds that the proposed change in the boundaries of Garfield at the end of the current school year meets the guidelines.

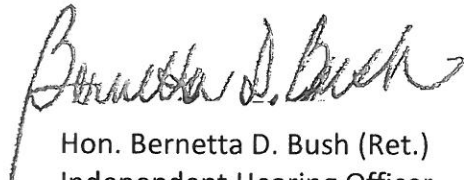
RECOMMENDATION

The CEO has complied with Chicago Public Schools' Policies, Guidelines and Procedures regarding her proposal for Garfield, it is therefore the Hearing Officers recommendation that Garfield Park Preparatory Academy, located at 3250 West. Monroe Street, be closed at the end of the current school year due to underutilization and that returning Garfield students be welcomed to Faraday Elementary School, located at the same address. Further that the geographical boundary currently associated with Garfield be reassigned to Faraday.

FURTHER THE HEARING OFFICER SAYETH NOT

Date: May 5, 2013

Respectfully submitted,



Hon. Bernetta D. Bush (Ret.)
Independent Hearing Officer