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| In Re: The Matter of the Proposal to Close |) | Hon. Clifford L. Meacham (Ret.) |
| |) | |
| Nathan R Goldblatt Elementary School |) | Independent Hearing Officer |
| Chicago, IL |) | Monday, April 29, 2013 at 5:30 PM |
| |) | |
| |) | |

HEARING OFFICER REPORT AND RECOMMENDATIONS

BACKGROUND

The undersigned, a retired judge and attorney licensed to practice law 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 29, 2013, at 5:30 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.

The hearing itself is required by law prior to the Board considering any proposal by the Chief Executive Officer (CEO) to take a "school action" such as closing a school. (155 ILCS 5/34-230 (h). The CEO is required to announce any school actions which she proposes be taken prior to December 1 of each year (105 ILCS 5/34 230(b)).

Prior to December 1, Barbara Byrd-Bennett, CEO of Chicago Public Schools (CPS), made such a proposal to close the Edward C. Goldblatt Elementary School and welcome Goldblatt

students to Helen M. Hefferan Elementary School located at 4409 West Wilcox Street. Hefferan will be the new neighborhood school for students living in the Goldblatt boundary.

When such a proposal is made, the CEO is required to give notice of her action. The notice is required to explain the basis for the proposed action and its compliance with applicable guidelines. The notice is also to be accompanied by a “draft School Transition Plan” identifying certain matters that concern all of the schools affected by the proposed “school action” (105 ILCS 5/34-230(c)(1).

The law requires the notices given to identify at least three opportunities for the public to be heard on the proposal (105 ILCS 5/34-230(e)). There is to be a public hearing presided over by an independent hearing officer while the other two opportunities can be provided through public meetings which are conducted by a representative of the CEO (105 ILCS 5/34-230(g).

The previously described “notices of action” must also inform the recipient of the time and place of both the required public meetings and hearing. These notices must be perfected no less than 30 days prior to the meeting/hearing taking place (105 ILCS 5/34-320(c)(5).

Specifically, notices are to be provided to the parents and guardians of any schools that are the subject of any [proposed action, the principal and the staff of the affected schools and the members of each school’s local school council. In addition, notice is required to be given to certain elected officials whose constituencies include the district served by the affected schools. Those officials include the State Senator(s), State Representative(s), and City Alderman. (105 ILCS 5/34-230(c)(3). Finally, the public at large is to be notified through a publication in a

newspaper of general circulation, of a brief summary of the proposed action together with the date, time and place of the hearings or meeting (105 ILCS 5/34-230(d)).

Performance of the requirements must precede the submission of a proposal of this kind to the Board. These requirements include the publication of the summaries of the public meetings on the District's Internet Website within five days following each meeting (105 ILCS 5/34-230(g)). With regard to the Public Hearing, the CEO is required to publish the hearing officer's report and findings on the District's website within five days after receiving it and at least 15 days prior to any Board action being taken on the subject proposal. In terms of the hearing officer's reporting obligation, he or she is required to summarize the proceedings of the public hearing and make a determination as to whether the CEO complied with the requirement of 105 ILCS 5/34-320 and the guidelines which have previously been promulgated and approved by the Board (105 ILCS 5/34-230 (f)(4)).

Accordingly, it appearing that the appropriate notices having been given, the instant public hearing was commenced.

SUMMARY OF PROPOSED ACTIONS

CPS proposes to close Goldblatt, located at 4257 West Adams Street, and, based on the school's underutilization, welcome the students of Goldblatt to Helen M. Hefferan Elementary School. Goldblatt students will be educated at Hefferan, located at 4409 West Wilcox Street. The proposal provides for families to consider other educational options. In addition, the geographic boundary associated with associated to Goldblatt will be reassigned to Hefferan. The result is will be the new neighborhood school for students living in the Goldblatt boundary.

NOTICE OF HEARING

Notice of the Hearing was sent to parents or guardian(s) of students, school personnel, and local School Board Council members as required by Illinois law and/or the Chicago Board of Education's applicable Policies, Guidelines, and Procedures. Notice of the Hearing was served via hand delivery to the schools and by publication on the CPS website and in the Chicago Sun Times. Finally, Notice was sent to Alderman Jason C. Errin, State Representative Derrick Smith, and State Senator Patricia Van Pelt on March 21, 2013 (see, CPS Compilation Exhibit, Tabs A1-A6).

HEARING and SUMMARY OF EVIDENCE RECEIVED AT THE PUBLIC HEARING

Chicago Public School Representatives

The hearing officer introduced himself and discussed the process to be followed. He informed all in attendance that any persons wishing to submit additional materials for consideration could do so by delivering same to the CPS. Ms. Anderson, a Certified Court Reporter, was introduced, as was the fact that Spanish and Sign Language Interpreters were present. The Timekeeper, Mario, was introduced, and time constraints were noted. Attendees were informed that any submitted materials were to be delivered to the Board no later than 5:00 p.m. on April 26, 2013. Approximately twelve people attended the hearing (exclusive of Board personnel), and five members of the public addressed the issues.

Ms. Chan, attorney for CBE, asked for admission of the CEO's Exhibit 1, consisting of a binder of documents submitted in support of the proposal. The binder was available for public viewing.

The binder included written statements and documents including letters to parents and guardians, school staff members, Local School Council members, draft transition plans, notices, affidavits, Illinois School Code provisions, documents on CSB policies on school performance, remediation, probation, attendance boundaries, space utilization standards, the CEO's guidelines for the 2012/2013 actions, procedures on public hearings, transcripts of two public hearings, the written statement of Benjamin Felton, the written statement of Wanda Washington, and, at Tab C, a written statement and documents demonstrating South Shore's status as a high performing school as well as an outline of support procedures that are anticipated during the transition. The binder was ADMITTED.

Statement of Benjamin Felton, Portfolio Planner

Good evening, Your Honor. My name is Benjamin Felton, and I am a Portfolio Planner for the Chicago Public Schools. I have been in this position since July of 2012.

As a Portfolio Planner, I manage strategic planning to improve the efficient utilization of CPS facilities. Prior to joining CPS, I worked as a teacher at CPS facilities. Prior to becoming a Portfolio Planner, I worked as a teacher at CPS. I then joined the Tennessee Department of Education, where I focused on teacher and principal recruitment and contributed to the development of the department's five-year strategic plan. I have a Bachelor of Science from Vanderbilt University.

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 Goldblatt facility with respect to the proposal to close Goldblatt.

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.

I will discuss the details regarding the space utilization of this proposal, while my colleague, Wanda Washington, will discuss the performance of the welcoming school and highlight the supports being offered in the draft transition plan.

Goldblatt is currently located at 4257 West Adams Street. Goldblatt is an elementary school that, as of the 20th day of attendance for the 2012-2013 school year, serves 236 students in pre-kindergarten through 8th grades.

To understand the enrollment efficiency range of a facility, Chicago Public Schools utilizes its Space Utilization Standards, which are located in your binder at tab B14.

The enrollment efficiency range is plus or minus 20% of the facility's ideal enrollment. For elementary school buildings, the ideal enrollment is defined as the number of allotted homerooms multiplied by 30. The number of allotted homerooms is approximately 76%-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.

A typical elementary school building has a total of 39 classrooms. Therefore, the number of allotted homerooms, approximately 76%-77% of 39 is 30. Multiplying 30 classrooms by 30 equals the ideal enrollment number of 900.

Finally the enrollment efficiency range is plus or minus 20 percent of 900, which is 720 - 1080. If a school in this typical elementary school building had an enrollment below 720, it would be considered underutilized.

Alternatively, if the school's enrollment was above 1080, it would be overcrowded. There are 34.5 total classrooms within the Goldblatt facility. The .5 indicates the presence the presence of one or more small classrooms. Approximately 76%-77% of this number is 26, the number of allotted homerooms. This number multiplied by 30 yields the ideal enrollment of the facility, which is 780.

As such, the enrollment efficiency range of the Goldblatt facility is between 624 and 936 students. As I stated the enrollment of Goldblatt, as of the 20th day of attendance for the 2012-2013 school year, is 236. This number is below the enrollment efficiency range, and thus, the school is underutilized.

The CEO has proposed that the students from Goldblatt be welcomed at Helen M. Hefferan Elementary School, or Hefferan.

If this proposal is approved by the Board of Education for the City of Chicago, the resulting space utilization will not exceed Hefferan's enrollment efficiency range as defined by the CPS Space utilization Standards.

Hefferan has a total of 28.5 total classrooms. Approximately 76 to 77 percent of this number is 21, the number of allotted homerooms. This number multiplied by 30 yields the ideal enrollment of a facility, which is 630. As such, the enrollment efficiency range of the Hefferan facility is between 624 and 936 students. Hefferan currently has 251 students enrolled.

To fully explain the enrollment trend associated with these schools, I would like to direct your attention to the screen. Projected is a slide that shows the enrollment trend of Goldblatt and Hefferan, green hashed lines showing the enrollment efficiency range of the Hefferan facility and a circle representing the combined projected enrollment for 2013/2014 school year.

Goldblatt's current enrollment is 236 students, and Hefferan's current enrollment is 251 students, which combine s to a total of 487 students below the enrollment efficiency range of the Hefferan facility.

Further, the projected enrollment of Goldblatt for the 2013/2014 school year is 227 and the projected enrollment for Hefferan for next year is 242 for a total 469 students, which is still below the Hefferan enrollment efficiency range. Thus, there is enough space within the Hefferan facility for students from Goldblatt and students from Hefferan.

If Goldblatt is closed, the CEO is also proposing that Goldblatt's attendance area be reassigned to Hefferan at 4409 West Wilcox at the end of the current school year.

A map showing the proposed boundary change is located in your binder at Tab C23 and copies of the map were available tonight at the registration desk.

In proposing the boundary change, several factors were considered as outlined in the review and establishment of School Attendance Boundaries Policy, including, but not limited to, the capacity of Hefferan, geographic barriers, travel time, distance traveled, and program considerations.

You will next hear from my colleague, Wanda Washington, who will discuss the performance of Hefferan and highlight the proposed transition efforts. Thank you, Your Honor. This concludes my statement.

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

Good evening Your Honor. 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. Hefferan is within the Garfield-Humboldt Elementary Network and I am responsible for the support and oversight of Hefferan on behalf of the CEO.

I have been the Chief of Hefferan since 2012. I have been with the Chicago Public Schools for over 20 years as a teacher, assistant principal and director.

For the last six years, I have had executive-level responsibility for multiple schools. In September of 2012, after serving as the deputy chief, I became the chief of school for the Garfield-Humboldt network.

In this role, I supervise and provide strategic guidance for 24 schools in the areas of instructional practices in the classroom and professional development for the teaching staff.

I have a bachelor's in mass communications from Illinois State University and a masters in educational leadership from Concordia University

As you have already heard, Goldblatt 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.

Goldblatt students will be welcomed by Hefferan located at 4409 West Wilcox Street. The facility at 4409 West Wilcox Street has enough space to welcome the Goldblatt students and the resulting combined enrollment will not exceed the facility's enrollment efficiency range.

When Goldblatt students are welcomed by the Hefferan administration, staff, and students, they 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 the school received a higher performing level on the Performance Policy for the 2011/2012 school year.

Under the CPS performance policy located in your binder under Tab 13, 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 as Level 1 are the highest performing, and schools designated as level 3 are the lowest performing.

Goldblatt received a Level 2 rating based on its performance during the 2011/2012 school year while Hefferan received a Level 1 rating. The performance policy reports reflecting these levels are included in the binder of documents that you've received at Tab C25.

Please note that the performance policy ratings from the 2011/2012 school year appear under the 2012/2013 header on these reports as these ratings are used to determine each school's accountability status for the 2012/2013 school year.

If this proposal is approved, students will receive additional supports at Goldblatt during the remainder of this school year and at Hefferan 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 needs.

The draft transition plan explaining these additional resources was sent home to all families affected by this proposal and is located in your binder at Tab A1.

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. If this proposal is approved, OSS will take the following steps:

First, OSS will review and update school safety audits, security personnel allocations, and school safety technology systems to make enhancements as appropriate.

Second, OSS will be available to address specific safety concerns raised by students and staff.

Third, OSS will provide Safe Passage supports for students and staff traveling to and from school. Safe Passage workers wear identifiable vests and stand on designated street corners to monitor students' safety during their travel to school in the morning and home in the afternoon.

Prior to the start of the 2013-2014 school year, OSS will work with the South Shore Fine Arts administration and the community to designate specific intersections for safe passage supports.

Additionally, students will receive academic supports as they transition, including the following:

Beginning this fall, CPS will offer students attending Hefferan with an opportunity to participate in the science, technology, engineering and mathematics or STEM program.

The STEM program aims to build engaging learning environments and trains students to become problem solvers and critical thinkers on a global level capable of developing and designing multiple solutions for complex real world situations and grounding their decisions in evidence-based reasoning.

Second, a Principal Transition Coordinator, or PTC, will be assigned to help the principal of Goldblatt maintain academic rigor for the remainder of the school year and ensure a smooth transition to Hefferan.

PTCs are former principals, or other administrators with significant experience, who will be a resource for the administration and ensure continuity of support for faculty and students.

Third, the Hefferan administration will receive comprehensive, student-specific data on all transitioning students to allow staff to proactively identify individual student needs and prepare to meet those needs.

Fourth, in addition to the Network's general availability, I will be holding specific office hours on Wednesdays, May 1, 8, and 15 between 1:00 pm-3:00 pm at 2908 West Washington for families and students affected by this action to discuss concerns and educational options.

Fifth, principals will receive discretionary resources to provide direct academic support to students. For example, these funds may be used to provide an instructional coach, teacher leader, or to obtain an academic tutoring position or program for students in reading and math.

I will support the principals as they consider how to use these resources and approve their selections once decisions are made.

Students will also receive social and emotional supports to help them adjust to a new school environment, including the following:

First, CPS will help school staff members facilitate intervention groups or peace circles aimed at helping students work through concerns associated with the transition.

Second, CPS will help staff members implement restorative practices, such as peer circles and peer juries, to encourage peer-to-peer problem solving and resolution.

Third, groups of students in need of more individualized attention will be provided with access to highly structured interventions.

Fourth, to foster an environment that is both supportive and inclusive for all students, CPS will provide resources to the Hefferan leadership to implement culture-building activities, such as staff luncheons and team- and trust-building activities.

Resources will also be provided to sponsor activities such as school visits for families, coffee chats with the principal, picnics, field trips, or parent meetings to help transitioning families get to know their new school.

Finally, additional transition supports will be provided to ensure that Goldblatt 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.

These additional supports are described in more detail in the draft transition plan, located in your binder at tab A1.

In conclusion, Goldblatt is underutilized; the combined enrollment of Goldblatt and Hefferan students at the 4409 West Wilcox Street facility will not exceed the facility's enrollment efficiency range, and Hefferan 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.

Thank you for your time and attention. This concludes my statement.

Public Comments

Yvette Curington

Ms. Curington stated that Goldblatt's enrollment is 268 students, not 231 or 236 as was indicated. In addition, on the subject of space utilization, Ms. Curington pointed out that on days when there is inclement weather, mandatory recess occurs in unused rooms. Also, some rooms are used for pull-out, small group instruction, and to provide intervention and enrichment for students. Parent resource rooms also form a part of space utilization, as is a band room. Finally, as a result of the proposal, Goldblatt staff is demoralized, especially given the belief that the decision has already been made. In response to a question posed by the Hearing Officer it was noted that recess moves indoors when the temperature was under 32 degrees.

Adjora Stevens

Ms. Stevens stated that Goldblatt is a school on the rise, having moved from Level 3 to a Level 2. She concurred with Ms. Curington that the premises are not underutilized, and noted that research shows that small schools are best for urban student learning. Goldblatt is providing performing arts, visual arts and arts integration training. Ms. Stevens' final concern was safety.

Delores Smith

Ms. Smith is the Goldblatt school counselor. She stated that the students have exhibited concern about the teachers, principal, and how things will be after they get to Hefferan. She

noted that she has 34 diverse learner students and Hefferan has 41, a total of 75 students with special needs.

Kathleen Murray

Ms. Murray, a representative of the Chicago Teachers Union, noted that CTU is against all school closing and school actions. Ms. Murray hopes that the Board will review the meeting, statements, recommendations and give most serious consideration to these proposed actions. She fears that should the Board not take independent action it will be seen as a validation to those who believe it is a rubber stamp process.

Clinetta Clark is a second grade teacher at Goldblatt. She has taught at Goldblatt for 16 years, and is concerned about the future of the students and coworkers. She noted that they have experienced the largest gains in the City of Chicago over the “past three, four, five years” and closed with a concern for student safety.

The Hearing was adjourned at 6:25 p.m.

Summary of Documents Received

Binder, PowerPoint Presentation CBE

Additional Written Testimony Submitted Post-Hearing

None

Determination and Findings

As noted, in addition to summarizing the public hearing, the Hearing Officer is responsible for making a determination as to whether the chief executive officer has complied with the requirements of 105 ILCS 5-34-320 as well as the guidelines. The guidelines are those that govern school actions such as closure of schools. Promulgation of guidelines is described by 105 ILCS 5/34-230:

By November 1 of each year the chief executive officer shall prepare and publish guidelines for school action. The guidelines shall outline the academic and nonacademic criteria for a school action.

The Record, including the submissions by the Board, establishes that the guidelines were indeed promulgated and approved for the 2012-2013 school year. The guidelines require the CEO, prior to recommending a school action, to consider other information including, but not limited to, student safety data, school culture and climate, enrollment estimates, the quality of the school facility, family and community feedback on whether the school has recently undergone any school actions or changes in academic focus.

This Record reflects, with limited contradictions, that Goldblatt meets the quoted criterion for school action and further that no exemptions from consideration apply. Even though the guidelines may have been met, the CEO and Board must exercise judgment as to whether a given school must be closed. This Record establishes that the CEO considered each of the elements of the guidelines in reaching her decision. The ultimate decision, however, should reflect the CEO's professional judgment as to the proper course of action. There is no

issue that the CEO caused to be prepared a draft proposal which concluded that Goldblatt be closed and its students transferred to Hefferan.

The Record includes copies of the proposal and notices of public meetings and a public hearing were served and that the content of those notices comported with legal requirements.

The CEO included with her notice a related transition plan pursuant to the requirements of 105 ILCS 5/34-225 in that it covered:

1. The services which were to be provided to support the academic, social, and emotional needs of students, including those with disabilities, homeless students and English language learners as well as safety issues.
2. Options to enroll in higher performing schools.
3. Information briefings regarding choices of schools that include all pertinent. Information in order 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.
4. Consideration of the need for appropriate transportation.

Whether there is agreement or not as to whether the proposed actions should be taken, the proposed transition plan clearly addressed all the factors which the law require b considered. From a procedural perspective the CEO has properly performed all that was required of her in order to bring the proposed school action proposal before the Board. There is no issue the law allows discretion to be used by both the CEO and the Board in determining what if any action should be taken even where the guidelines would literally allow for closure of the school.

It is not the province of the Hearing Officer to substitute his judgment on matters of discretion for that of the CEO. It is, rather, the Hearing Officer's responsibility to "determine whether the chief executive officer complied with the requirements of this Section (5/34-230) and guidelines" prior to applying her professional judgment in making a decision to promulgate the proposed school action. Accordingly, it is the determination of the Hearing Officer that the Chief Executive Officer, Barbara Byrd-Bennett, has complied with the legal requirements which needed be met prior to the submission of the proposal for the closing of Fermi and the transfer of its students to the Board for its consideration.

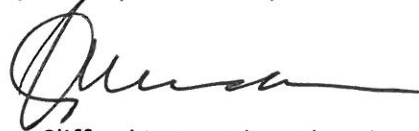
Having done so, the Hearing Officer respectfully recommends that the Board give serious consideration to the expressions of concern voiced during the course of the hearing, specifically, the concerns for safety (which, in the opinion of the Hearing Officer, ought be considered and reported on prior to any proposed action rather than after approval) and the contention that Goldblatt is a school that has demonstrated ongoing improvement for the past few years.

Enter: May 6, 2013

s/ Clifford L. Meacham
Clifford L. Meacham, Hearing Officer

FURTHER THE HEARING OFFICER SAYETH NOT

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Clifford L. Meacham', written over a horizontal line.

Hon. Clifford L. Meacham (Ret.)
Hearing Officer