

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

In the matter of:)	
The Hearing to take Public Comment)	Philip L. Bronstein
On the Proposed Closing of:)	Hearing Officer
Francis Scott Key Elementary School)	2013

**Hearing Officer's Report and Recommendation
To the Chief Executive Officer
Regarding the Proposal to Close
Francis Scott Key Elementary School
517 North Parkside Avenue**

INTRODUCTION

On April 17, 2013 at 5:30 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 Francis Scott Key Elementary School (Key). Should the Board approve the closure of Key, Key students will be enrolled at Edward K. Ellington Elementary School (Ellington), 243 North Parkside Avenue for the 2013-2014 school year, 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 with the beginning publication date of April 6, 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/Guardians of Students at Key Elementary School and Ellington Elementary School dated March 21, 2013 and Draft Transition Plan for the Proposed Closure of Key
2. Notice Letter to School personnel and Local School Council Members at Key and Ellington dated March 21, 2013 and Draft Transition Plan for the Proposed Closure of Key
3. Affidavit of Jeff Broom regarding mail and/or personal delivery of notice letters to parents/guardians, school personnel and Local School Council Members of Key and Ellington on or about March 21, 2013
4. Affidavit of Leonard Langston regarding electronic mail deliver of notice letters to elected officials on or about March 21, 2013
5. Affidavit of Jason Van Patten concerning 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 Summary 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 6, 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 Key
18. Summary of the April 10, 2013 Community Meeting regarding The Proposed Closure of Key
19. Transcript of the April 15, 2013 Community Meeting regarding The Proposed Closure of Key
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. Key and Ellington School Performance Policy Reports

SUMMARY OF THE HEARING ON THE PROPOSAL TO CLOSE KEY

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 20th attendance day for the 2012-2013 school year. This number as of the 20th day of attendance is 306. 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 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 Key indicates that Key is underutilized.

▪ Total classrooms:	24
▪ Homerooms (76%-77% of 24):	18
▪ Ideal student enrollment (18 X 30):	540
▪ Enrollment efficiency range (+ or - 20% of ideal):	432-648
▪ Enrollment of Key as of 20 th day of attendance:	306

Applying the same formula to Ellington, Mr. Payne determined that Ellington, with 40 total classrooms and an enrollment of 337 students, has an ideal enrollment of 900 students, and an enrollment efficiency range between 720-1080.

Mr. Payne explained if Key is closed and the Key attendance area is reassigned to Ellington as proposed, the projected Enrollment of Ellington for the 2013-2014 school year is 814 students, which is within the enrollment efficiency range of Ellington.

Mr. Payne concluded his statement by noting that in proposing the boundary change, factors set forth in the Review and Establishment of School Attendance Boundaries Policy were considered.

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 Ellington on behalf of the CEO. She confirmed that under Guidelines and CPS Space Utilization Standards, Key is underutilized, and, if closed, Ellington has sufficient facilities to welcome Key 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 Key and Ellington and stated that Key students will be attending a higher performing school based upon the CEO's Guidelines for School Action. Key received a Level 3 rating and Ellington received a Level 1 rating.

Ms. James detailed the additional support that the Network would provide to Key this year and Ellington next year if the Board authorizes the proposed closure of Key. The resources dedicated to facilitating the transition process (should Key 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 Key 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 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, Ellington students will have an opportunity to participate in the International Baccalaureate Programme (IB).

PUBLIC SPEAKERS

Bonita Robinson
Retired Teacher and Community Resident

Calling the proposed school closings “racist” and socially and academically harmful to African American students and teachers, Ms. Robinson called for a cessation of all school actions. She said school reading programs should be significantly enhanced and emphasis should be placed on teaching heritage. Ms. Robinson urged a higher level of engagement between CPS and the population it serves. Ms. Robinson also submitted documents that are part of the Record.

Angela Graham
Local School Council Chairperson

Ms. Graham noted that in some instances middle schools are combined with high schools. With that in mind, she pointed out that Douglas High School is across the street from Key. Ms. Graham was concerned with the safety of Key students that would walk from their home to Ellington. She had little faith in the Safe Passages Program. She was especially concerned with safety on Central Avenue.

Yvonne Harris
Community Resident and grandparent of student

Ms. Harris stated that her daughter had attended Key, where her granddaughter is currently an “A” student. She was greatly concerned about student safety, especially along Cicero Avenue. She suggested that consideration be given to combining Key with Douglas High School.

Angela Kastanes
Special Education Teacher

Ms. Kastanes stated that test scores at Key have been steadily increasing. The school family is strong and committed and she believed that, if given a chance, Key would grow to become a Level 1 school.

Allen Van Note
Local School Council Member

Mr. Van Note, a long time community resident, stated it made little sense to close Key. He was worried about the safety of students, especially along Central Avenue. Mr. Van Note said he had high regard for IB and wondered why the Board did not make Key an IB school instead of closing it.

Emlyn Ricketts
Community Member

Ms. Ricketts, an attorney and friend of Key, stated that she helped a group of law students tutor 5th through 8th grade Key students. Her impression was that Key had a strong sense of community and excellent learning environment that had improved significantly. She believed that combining Key with Douglas High School made sense. She was concerned that school closings in general would undermine students' safety and education.

Dwayne Truss
Community Member and Vice Chairperson of the Austin Action Council

Mr. Truss noted that Key is no longer on academic probation. He described Key as having a nurturing environment with active community involvement. Mr. Truss took issue with the CPS utilization formula. He said he believed the state average for number of students per classroom is 19. Therefore, he felt that based on that number, Key was not underutilized. Mr. Truss would rather send Key students to Douglas High School than Ellington. He complained about the absence of gifted and magnet school programs in the Austin community. Mr. Truss also submitted documents that are a part of the record in this proceeding.

Brandon Johnson
Teacher, CTU Organizer and Community Member

Mr. Johnson cited a report examining Guggenheim School, indicating that when that school closed, 37% of students never attended the welcoming school. He was concerned that some Key students would have to walk 13 blocks to Ellington. He also said that with 54 schools planned to close and 37 receiving schools, CPS would lose 1/3 of its school counselors and social workers. He said CPS should push for better schools for lower and middle class families rather than closing schools.

Deborah Graham
Alderman

Alderman Graham commended Key's principal, and noted that Key has improved from a Level 3 to a Level 2 school. She said she believed that CPS should not close schools that are making progress. Instead, Alderman Graham said CPS should invest money in the physical structure of Key. She believed that while Key was being renovated, students could attend Douglas High School. Alderman Graham also expressed concern for students' safety, especially on Central Avenue.

FINDINGS AND RECOMMENDATIONS

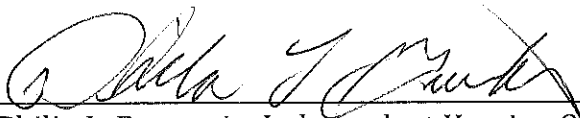
The Independent Hearing Officer makes the following findings concerning the CEO's proposal to close Francis Scott Key Elementary School (Key):

- 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), Key is underutilized. Under the Standards, the Key facility, with 18 allotted homerooms, has an ideal enrollment of 540 students with an enrollment efficiency range of 432-648 students. Key's enrollment, as of the 20th attendance day of the 2012-2013 school year, is 306.
- The resulting space utilization after closure is within the enrollment efficiency range of Edward K. Ellington Elementary School (Ellington). Ellington, the 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.

- If Key is closed, former Key students will attend a higher performing school in accordance with Guidelines and CPS Performance Policy for the 2011-2012 School Year. Key received a Level 2 rating while Ellington received the highest rating, Level 1.
- 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-P01).
- 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 Key is appropriately before the Board.

Submitted this 3rd day of May, 2013


Philip L. Bronstein, Independent Hearing Officer