

**IN RE: PUBLIC HEARING TO CONSIDER THE PROPOSED CLOSURE OF  
THE IGNACE PADEREWSKI ELEMENTARY LEARNING ACADEMY**

**HEARING OFFICER'S REPORT AND DETERMINATION**

This matter came on for hearing before Patrick E. McGann, the duly designated hearing officer, on April 19, 2013 at 8:00 P.M. at the Central Office of the Chicago Public Schools, 125 S. Clark, Chicago, Illinois.

As will hopefully demonstrated by this Report and Determination, the Chief Executive Officer's proposal to close the Ignace Paderewski Elementary Learning Academy is based essentially upon factors that are non-academic in nature. It is not the role of the hearing officer to substitute his or her judgment for that of school authorities in their decision to propose a "school action." Rather, the hearing officer is limited to making a determination as to whether school officials complied with State law and CPS rules, standards, and regulations that limit their discretion in this area.

**I. LEGAL REQUIREMENTS**

Among the several powers of the Board of Education ("Board") is to establish and maintain schools, as well as, allocate students among those schools. These powers include creating a policy, that among other things, allows for the closing of existing schools. (105 ILCS 5/34-18 ¶ 1, 7, 24).

The Legislature has required the Board of Education to establish space utilization plans and an educational facility master plan. (105 ILCS 5/34-200 et seq.)<sup>1</sup> These statutory requirements anticipate that the Board of Education, in the exercise of its authority, may take what is identified as a "school action". That term is defined as a school closing; school consolation, co-location, or a boundary change that requires relocation of students. 105 ILCS 5/34-200.

If the Board is asked to take a school action that will take place at the end of the 2012-2013 school year, the Chief Executive Officer ("CEO") must announce and publish notice of such proposed school actions on or before March 31, 2013. The CEO must also

---

<sup>1</sup> The Educational Facility Master Plan is required to be published on or before October 1, 2013.

provide notice of such proposed action at least 15 days in advance of a public meeting or hearing. (105 ILCS 5/34-232).

The Legislature has also required the CEO of the Board to establish and publish guidelines that outline the criteria for either an academic or non-academic school action. (105 ILCS 5/34-230). This must be done no later than November 1 of the year preceding the announcement of the proposed school action.

If a CEO is proposing a school action, he or she must provide notice to the principal, staff, local school council, parents or guardians of students, the State Senator, State Representative and Alderman of whose District or Ward contains the affected school. The notice must also be posted on the District website and in a newspaper of general circulation.

The notice must contain a written statement setting forth the basis for the school action, an explanation as to how it meets the guidelines, as well as, a draft transition plan. (105 ILCS 5/34-230). The school transition plan must include services to support the academic, emotional and social needs of the students. This includes students with disabilities, that are homeless, and English language learners. The security and safety issues that arise because of the proposed school action must also be addressed. Each student shall have the option to enroll in a higher performing school. In order to make this promise realistic, the plan must provide access to information about such schools to the parent or guardian of the student. (105 ILCS 5/34-225).

Finally, the CEO must provide for not less than three opportunities for public comment. At least one shall be a public hearing at the central office of the Board. The other two, either public hearings or meetings, must be at a location convenient to the school community. Notice of the dates and locations of these meetings or hearings must be contained in the required notices discussed above. (105 ILCS 5/34-230).

## **II. Findings of Fact**

The public hearing commenced with a presentation by the CEO. This involved proofs by documentary and testimonial evidence.

The Exhibits received in evidence establish that in December 2011, The CEO established Space Utilization Standards ("Standards") in order to comply with the State mandates. (Exhibit 14). That policy, among other matters, set a maximum capacity for

each facility housing a grammar school as the number of classrooms in the school building multiplied by 30. The document also established an Enrollment Efficiency Range for elementary schools.

Under that criteria, an ideal enrollment for a school would be the number of classrooms in the school building times a factor of .769. This yields the number of classrooms designated as homerooms. The remaining classrooms are designated as “ancillary” classrooms. The ideal program enrollment for an elementary school, as defined by Standards is the number of homerooms multiplied by a factor of 30. The “enrollment efficiency range” for an elementary school is a number of enrolled students that is from 80% to 120% of the ideal program enrollment calculation. A school that has an enrollment of less than 80% of the ideal program enrollment is underutilized. If the enrollment exceeds 120%, the school is overcrowded. Student enrollment is determined as of the 20<sup>th</sup> day of attendance for the school year.

The CEO has also established, as required by 105 ILCS 5/34-230, Guidelines for School Actions for the 2012-2013 School Year (“Guidelines”). Relevant to the proposed action for Ignace Paderewski Elementary Learning Academy is the policy to consider closure for any school with an enrollment less than 80% of the ideal program enrollment for the facility that houses the school. If that were the enrollment figure, the school is underutilized as defined by the 2011 Utilization Standards.

In addition to the size of a school’s enrollment capacity, the Guidelines state that 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 year, transition planning costs, neighborhood development plans, any recent school actions affecting the school, changes in academic focus, remediation or probation status, or proximity, capacity and performance of other schools in the community. It is important to understand the by use of the term “may consider,” it is left to the CEO’s discretion whether to consider such information and to determine what, if any, impact such information will have on the decision to propose a school action.

The established Guidelines limit the CEO’s ability to propose a school closure unless the affected students have the option to enroll in a higher performing school and

the resulting space utilization at the receiving school will not be exceeded the December 2011 Utilization Standards.

Pertinent to this situation are any CPS policies relating to the review and revision of attendance boundaries. This is required because in addition to closing Paderewski school, the CEO is proposing to redraw attendance boundaries for Penn, Crown, Crown, Cardenas, and Castellanos schools. To address this issue, in 2005, the then CEO recommended that the Board adopt a policy for the review and establishment of school boundaries.<sup>2</sup>

This policy sets forth a requirement that certain factors be considered before boundaries for a new school are created or existing boundaries altered. These include capacity, geographic barriers, travel time and program considerations. The Policy also requires the Department of School Demographics and Planning to prepare a report for the CEO containing enrollment projections for three years. The report must contain at least two alternative attendance boundaries for each boundary review. Finally, a public hearing on the proposed action must be held.

Exhibit 1 consists of a Notice proposing the closure of Ignance Paderewski Elementary Learning Academy ("Paderewski" school) dated March 21, 2013, as well as a Draft Transition Plan for the proposed school action. These were addressed to the parent or guardian of students at Paderewski school, Lazaro Cardenas Elementary School ("Cardenas" school) and Rosario Castellanos Elementary School ("Castellanos" school). The latter two are designated receiving or welcoming schools. Exhibit 2 contains a similar Notice and a copy of the Draft Transition Plan addressed to the Administrators, faculty and staff of all three schools. The notices also contain information to assist a parent in identifying and enrolling their child in a school with a higher performance rating than Paderewski school. A close examination of these notices and the accompanying draft transition plan confirm that they comply with the statutory requirements set out above.

Exhibits 3 and 4, to which no member of the public raised objection, establishes the timely delivery of the required notices to all persons including elected officials

---

<sup>2</sup> This Policy proposal was admitted as Exhibit 13. The document does not indicate that the suggestions made were ever adopted by the Board. This decision is based upon the assumption that this Exhibit is the current Board policy.

entitled to notice under the statute. Exhibit 6 establishes the required publication of the proposed school action in the Sun Times, a newspaper of general circulation. The required posting on the CPS website is established by Exhibit 5.

The CEO also introduced a verbatim transcript of the public meetings on this proposal. They were held at the Manley Career Academy on April 9 and 13, 2013. A review of those transcripts yield that many of the presenters at those meetings also appeared at the public hearing. Their comments will be consolidated and discussed below.

The CEO also introduced the oral and written reports of James Dispensa, Senior Manager of Business Optimization in the Facilities Department of the Chicago Public Schools. He stated that the enrollment at the Paderewski School for the 2012-2013 academic year was 172 students in Kindergarten through 8<sup>th</sup> grade.

He also established that Paderewski school has 25 classrooms. The number of classrooms designated as homerooms under the Utilization Standards is 19. The other rooms are considered ancillary classrooms. Under the Standards established in December 2011, the ideal enrollment at Paderewski school would be 570. The enrollment efficiency range is 456-684 students. Thus, it is quite clear that Paderewski is underutilized under the established Standards.

It is proposed that the current students at Paderewski will be divided into two groups. Students entering fourth through eighth grade in the coming school year will be attending Castellanos school. Paderewski students entering first through third grades will be assigned to Cardenas school.

Castellanos school has 20 classrooms designated as homerooms under the Utilization Standards. This results in an ideal enrollment of 600. The enrollment efficiency rating is between 486-720 students, The enrollment at this school for the 2012-2013 academic year is 545. It is projected that with the addition of Paderewski students, Cardenas' enrollment will be 641 students. This will create a student population well within the Utilization Standards.

Cardenas school has 26 designated homerooms. Its ideal enrollment would be 780 students under the Utilization standards. The current enrollment at Cardenas school is 657 students. This is well within the enrollment efficiency range of 624-936 students. Mr

Dispensa projects that the addition of the primary grade students from Paderewski will result in an enrollment of 736 students. This resulting school population is also well within the 2011 Utilization Standards for CPS schools.

It is important to understand that in making his estimates, Mr. Dispensa's projection are based on the assumption that both Cardenas and Castellanos schools will receive 176 students from Paderewski school. As was indicated of the 172, some will graduate and not transfer. Cardenas will only receive the students entering the first to third grades in the coming school year. The fourth through eighth graders will be attending Castellanos. Students entering kindergarten at a neighborhood school will be assigned once new enrollment boundaries are determined. The actual impact on both Cardenas and Castellanos should be a smaller than projected total enrollment,

Mr. Dispensa also spoke to the re-alignment of school boundaries for Cardenas, Castellanos, Penn and Crown schools. He did state that in making this proposal the CEO considered several factors including the capacities of the four schools, geographic barriers, travel times and distances and program considerations. There was nothing in his presentation from which those factors can be assessed as required by the process portion of the CPS Policy on attendance boundary changes. Nor was the required three-year projection of enrollment for each of the affected schools shared with anyone. There were not two alternatives proposed, as required by the Board's policy. Finally, the CEO did not offer any explanation as to why this policy was inapplicable to this proposed school action.

The CPS also introduced the oral and written statements of Stephen Zrike, Chief of Schools for the Pilsen-Little Village Elementary Network. The focus of his presentation was on the academic differences between Paderewski, Cardenas and Castellanos Schools. He also touched on the resources that will be made available to support the educational and emotional needs of the transferring students. Finally, Mr. Zrike set out the CPS efforts to provide a safe environment for the Paderewski students.

The documents introduced to support the presentation indicate that Paderewski has been on probation and has received a Level 3 rating school under the CPS Performance Policy for the past three academic years. Under the same metric, Cardenas has achieved a Level 1 ranking during the same period. Castellanos has received a Level

2 rating. Neither Cardenas school nor Castellanos school has been placed on probation during the past three years. Under the metric applied by CPS, it appears that Cardenas and Castellanos are the higher performing schools.

Mr. Zrike also pointed to the draft Transition Plan that, as required, considers the academic and emotional needs of the students. There will be additional support for children who have specific needs. These include those with diverse learning needs, those in temporary living situations, and English language learners. There is also a separate plan for students participating in early childhood programs.

He also stated that the CPS Office of Safety and Security has communicated with the Chicago Police Department and other agencies to address safety concerns arising from the closing of Paderewski school and the transfer of those students to Cardenas and Castellanos schools, respectively. He was quite candid in stating that such plans cannot be definitively articulated until the Board acts on the CEO's proposals. The point of an awareness of and sensitivity to these issues was clearly made. This is perhaps best indicated by the commitment to expand the safe passage program for the Paderewski children who will be attending either Cardenas or Castellanos schools in the fall.

This record establishes that the CEO has complied with the applicable statutes, rules, standards and regulations relating to the closing of Ignace Paderewski Elementary Learning Academy. The CEO has not shown compliance with stated Board policy concerning the re-alignment of the attendance boundaries for Cardenas, Castellanos, Penn, and Crown schools.<sup>3</sup>

A significant number of community members representing all constituencies affected by the proposed closure of Paderewski School appeared and made oral and written presentations at the public hearing. The overwhelming impression is that Paderewski school is an important part of the community it serves. The presentations of these witnesses are summarized below.

Alderman Munoz spoke against the closing of Paderewski school. The Alderman grew up in the Little Village neighborhood. He attended grammar school at what is now Castellanos school. He spoke of the overcrowded conditions that existed at that school

---

<sup>3</sup> The Hearing Officer concedes that information concerning enrollment projections may not require public dissemination prior to a hearing. The same cannot be said for the other factors requiring analysis.

even to the time he was elected. He made it his mission to confront the overcrowding issue. As a result new schools were built. This initiative's successes, together with demographic changes have resulted in enrollment declines at Paderewski and other Little Village schools.

In an effort to address this issue, he has worked with CPS administration to develop alternative and creative ways to increase enrollment at Paderewski. At the first public meeting, he stated that his efforts have led to the investment, by CPS, of several millions of dollars in maintenance and improvements.

Interestingly, he did not repeat his statements concerning potential capacity issues at Cardenas school, if the proposal is adopted. On April 9, 2013, the Alderman stated his research led him to believe that 101 students would transfer from Paderewski school to Cardenas for enrollment in its Pre-k – 3<sup>rd</sup> grade program. He also stated that there were only 55 available seats to accommodate the anticipated transfers. He cited no authority for this representation. Consequently, the CEO's projections stand unimpeached.

Haley Underwood, a teacher at Cardenas school, stated her belief that CPS gave inconsistent support to children at schools like Paderewski and Castellanos. There is no recognition by anyone in authority that the affected students live in a community where the predominant social themes are broken homes, broken communities. She also cautioned that the longer walks they would encounter in commuting to their new schools would adversely affect these elementary school aged children. The key to improving their academic performance, in her opinion, is more support from CPS not closure of Paderewski.

Jessica Guzlas, a special education teacher at Paderewski school, made a presentation designed to demonstrate that Paderewski school was the best option for these students. She acknowledged that the school's efforts to increase enrollment were largely unsuccessful. She believed that a Paderewski school proposed to initiate a pre-school program in the coming school year would increase enrollment by seventy percent. It is important to understand, that even if this projection were true, Paderewski school's enrollment would be less than 300 students. The school would still be underutilized as defined by the December 2011 Standards.



It is important to acknowledge, that these efforts to increase enrollment were led by a new principal, Ms. Lewis. She went door to door in the community talking about Paderewski school. This effort increased enrollment by 65% in one year. The testimony at all three public proceedings described Ms. Lewis as a dynamic leader who brought a new spirit to the Paderewski school community.

Noreen McNulty, a Little Village resident and educator, also spoke of the need for more resources to support these children. She expressed concern for the neighborhood violence that the lives of these students. A pre-school program, similar to the one proposed at Paderewski, would be an important first step by CPS.

Yana Kunichoff, a resident of the Pilsen community, is a journalist with the *Chicago Reporter*. She stated there is a strong link between the lack of educational resources available to young people and their subsequent incarceration as adults. She also noted the significant difference between the large amount tax dollars spent on the criminal justice system in comparison with education budgets. Her underlying premise being that budget decisions by elected officials expend enormous sums from the public treasury to incarcerate rather than educate their fellow citizens.<sup>4</sup>

Rebecca Martinez, a representative from the Chicago Teachers Union ("CTU"), stated that this large-scale school closure program sets a national precedent. That CPS' earlier attempts a school closures have been, in the opinion of CTU, disastrous. One school lost almost fifty percent of its students after closure. She also expressed CTU's belief that the budget crisis, the stated cause of these actions, is vastly over stated. She stated that prior predictions of deficits have proven to be false. She noted that last year's predicted deficit resulted in a 300 million dollar surplus.

She also suggested children crossing Cermak Road to attend Cardenas or Castellanos would be crossing a known gang boundary. This increases risk to every child. This statement is a bit suspect as the current boundaries of the Paderewski school cross Cermak Road. Thus, that suggested danger exists for students currently attending Paderewski. Ms. Martinez did not cite any incident of harm to a Paderewski student lining north of Cermak Road.

---

<sup>4</sup> The Hearing Officer does not mean to imply that the right to an education in the United States is in any way related to an individual's citizenship.

She also objected to the notion that Paderewski was a lesser performing school than either Cardenas or Castellanos. That determination by CPS was discussed above. She offered no contrary data or reason to question the metric chosen by the CEO.

Many of her comments were echoed by Alexandra Gonzalez-Rivera, a special education teacher at a CPS school.

Valerie Leonard of the Lawndale Alliance works with a number of community organizations that have formed the Committee to Save North Lawndale Schools. Her organization opposes the one size fits all approach used by the CEO to determine space allocation. She believes Paderewski school performs well as a small enrollment school.

She also believes that the Paderewski students will be more likely to attempt enrollment at Penn or Crown schools. This is based on geographical and racial realities. She stated her belief that the Black children living north of Cermak Road would migrate to schools north of their homes. These communities are predominately Black. Children south of Cermak Road would stay south. This would result in greater segregation, as these schools have predominately Hispanic enrollments.

Her concern about this issue aligns with the concern of Sarah Simmons, a CPS parent, who appeared at the April 9, 2013 community meeting. Ms. Simmons stated her belief that the enrollment at Paderewski school was 80% Black. If Ms. Leonard and Ms. Simmons are correct a more segregated school community would be created in the Lawndale/Little Village area of the city.

She is also of the opinion that these schools are lesser performing than Paderewski. This would result in lessen academic outcomes for these students. She cited to the higher reading scores of the current Paderewski students to establish this point. These were contained in a letter incorporated into the public record.

Angela Parks, a Paderewski school parent, stated her opinion that the estimate of 6.8 million dollars in rehabilitation costs for the Paderewski school is inflated. She introduced a binder that contained a detailed analysis of the physical condition of the school. This was completed in 2008. CPS staff estimated it would cost slightly over three million dollars to repair and update the Paderewski physical plant. This would include the cost of replacing the roof. This was done between 2008 and today. She also spoke of the security upgrades that have been installed. She also identified how the school has

received a substantial upgrade in audio-visual and other hardware to assist teachers in class presentations.

Linda Capers, LSC chair for Paderewski school, talked of the classroom utilization at the school. While the enrollment is low, 29 of the 32 classrooms are used each day. She identified the class size of each grade, as well as some of the resources available to the students.

Teresa Guadalupe Sarabia-Rodriguez, a current Paderewski parent, had formerly enrolled her children at Castellanos school. She believes the school environment is much better at Paderewski school. She also questioned Castellanos' ability to accept the number of headstart students that will be attempting to enroll in the fall. This is based upon her difficulty in enrolling her children in these programs. Her experience was similar to that described by Lillian Negrón.

Gwendolyn Holmes-Ray, a First and Second grade teacher at Paderewski school, spoke of the school's desire to expand its pre-K and kindergarten programs. She also identified numerous programs that are currently offered to Paderewski students. There are also numerous clubs and activities to attract the interests of every student.

Darlene Williams, a parent of seven current or former Paderewski school students, made an oral and written presentation demonstrating the school's plan to increase enrollment. She noted the documents demonstrating the partnerships Paderewski school have developed to enrich the student experience. Her written materials identified gang areas in the community and their effect on students. Finally, her materials contain research on the negative impact on academic performance of transferring students.

Susan Orlich, a special education teacher at Paderewski school, spoke of the difficult but indispensable work necessary to develop individualized learning plans. She spoke of the anxiety that is being felt by the students and their parents caused by the proposed closing of Paderewski school. When one examines her testimony on this point, it is clear the anxiety is not based in a realistic understanding of the situation. She stated that the re-assignment of students would not be of great concern to her. She gave assurances that the support and services identified for these children would remain in place at the new schools.

She did note, in her opinion, that the transition support promised by CPS has proven illusory. Paderewski has had a number of transition administrators at the school. Few of them actually engage in the transition project.

April Riley, a Paderewski school faculty member, stated her belief that the difference in performance among the three schools, Paderewski, Cardenas and Castellanos, is rather miniscule. Any advantage may well be the result of recent trending, as opposed to fundamental differences. She suggested that a boundary change to increase Paderewski enrollment would be a better option.

Two students at Paderewski school talked about the warm and friendly environment at their school. They expressed very thoughtful and kind sentiments about the school's principal. They are proud of their school and concerned about the necessity of this upheaval in their lives. Numerous letters from students expressing their delight in attending Paderewski school supplemented these oral presentations. Many had the same concerns as Students A&B expressed about the effect of the proposed school closure.

### **III. Conclusion**

The Hearing Officer concludes that the CEO has complied with the relevant statutes and CPS rules, standards, and regulations required before a proposed school action of closing Ignance Paderewski Elementary Learning Academy can be presented to the Board of Education for action. The CEO has not shown compliance with stated Board policy concerning the re-alignment of the attendance boundaries for Cardenas, Castellanos, Penn, and Crown schools.

Members of the public who appeared at the two public meetings and the public hearing presented statements and data that rather clearly suggest that the faculty, students, parents and community have embraced Paderewski school. They have worked together to develop a strategy to address the learning needs of the children who attend their community school. This wonderful commitment cannot go unrecognized. Many of their comments address the Additional Information the CEO may consider under the Guidelines for School Actions, 2012-2013 School Year. As stated above, it is solely within the CEO's discretion whether to consider these issues and to determine what effect they may have in deciding upon a proposed school action. The CEO's presentation clearly indicates that many of these issues were considered in promulgating the Draft

Transition Plan. However, none of these public comments have identified any deficiencies in the CEO's process of bringing this proposed school action to the Board of Education for final action.

Dated May 3, 2013

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Patrick E. McGann", written in dark ink.

Patrick E. McGann  
Hearing Officer