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THE PROPOSAL TO CLOSE)	HON. THOMAS RAKOWSKI (RET.)
SONGHAI ELEMENTARY LEARNING)	INDEPENDENT HEARING OFFICER
INSTITUTE)	
11725 S. PERRY AVENUE)	
CHICAGO, ILLINOIS)	

HEARING OFFICER'S REPORT

THE UNDERSIGNED INDEPENDENT HEARING OFFICER, having been duly appointed to conduct a public hearing regarding the proposal to close Songhai Elementary Learning Institute; and due notice of said hearing having been given; and the hearing having commenced on April 25, 2013 at 5:30 p.m. at the Chicago Board of Education Central Office, 125 South Clark Street, Room 1550, Chicago, Illinois; and the Chicago Board of Education Law Department having presented witnesses and exhibits in support of said proposal, and the public having given testimony and presented exhibits; and the hearing having concluded on April 25, 2013 at 7:35 p.m., Finds and Reports as follows:

I. **BACKGROUND**

According to Chicago Public School's Chief Executive Officer, Barbara Byrd-Bennett, ("CEO"), Chicago Public Schools ("CPS"), is facing a school utilization crisis. Presently, the schools have 403,000 students occupying buildings with a total

capacity for 511,000 students. Again, according to the CEO, the funding, maintenance and repair of these half-empty buildings is in part responsible for CPS's one billion dollar deficit. To address this crisis, the CEO has proposed a plan to close some of the underutilized schools, and move those students to other underutilized schools. These actions will enable CPS to maximize resources, which, according to the CEO, will improve our capacity to provide all children with greater access to critical resources and supports such as libraries, technology, playgrounds, nurses and counselors.

II.

THE PROPOSAL TO CLOSE SONGHAI ELEMENTARY INSTITUTE

As part of the above process, the CEO is proposing the closure of Songhai Elementary Institute ("Songhai"), located at 11725 South Perry Avenue, Chicago, Illinois, at the end of the current school year. Starting in the fall of 2013, former Songhai students can attend George W. Curtis Elementary School ("Curtis") located at 32 East 115th Street, Chicago, Illinois. Additionally, the geographic boundaries for Songhai would be reassigned to Curtis. Thus, the former Songhai and Curtis districts would form the new Curtis district.

III.

APPLICABLE LAW

The State of Illinois has very specific requirements governing proposals for school actions, including closures. By November 1 of each year, the CEO shall prepare and publish guidelines for school actions. The guidelines shall outline the criteria for school action and shall be subject to a public comment period at least twenty-one days before their approval. 105 ILCS 5/34-230 (a). Regarding

proposed school action for the 2012-2013 school year, the CEO shall announce and publish notice, on or before March 31, 2013, of proposed school actions to be taken at the close of the end of the current academic year. The notice of proposed school action shall be at least fifteen calendar days in advance of a public hearing or meeting. 105 ILCS 5/34-232 (1)(2)(3).

The notices shall include a written statement of the basis for the school action, an explanation of how the school action meets the criteria set forth in the guidelines, and a draft School Transition Plan that identifies the items required in Section 34-225 of the School Code. The notice shall also include the dates, times and places of the meetings and hearings. 105 ILCS 5/34-230(c)(1).

The notices shall be provided to the principal, staff, local school council and parents and guardians of any school that is subject to the proposed action (105 ILCS 5/34-230(c)(2)), and to the State Senator, State Representative and Alderman whose districts/wards include school boundaries that are subject to the proposed school action. 105 ILCS 5/34-230(c)(3). The notices shall be published on the District's internet website. 105 ILCS 5/34-230 (c)(4). The proposed school actions and the dates, times and places of the hearings and meetings shall also be published in a newspaper of general circulation. 105 ILCS 5/34-230(d).

Also required are at least three opportunities for the public to comment on the proposed school action. At least two of the proposed meetings shall be at a location convenient to the school community subject to the proposed school action, and at least one hearing shall be at the Chicago Board of Education Central Office. 105 ILCS 5/34-230(e)(1)(2).

Finally, any proposed school action not in accord with all of the above mandates shall not be approved by the Board during the school year in which the school action was proposed. 105 ILCS 5/34-230(h).

As is evidenced by the above, Illinois law is very rigorous regarding proposed school action and public notification. The underlying theme is transparency and the public's right to be well informed of, and the opportunity to comment on, proposals to change their schools. Further, the requirements give the public and their elected officials an opportunity to mobilize and publicly comment before the School Board considers the proposal.

IV. THE PUBLIC HEARING

Illinois law is also specific with respect to the required public hearing, and mandates that the hearing be conducted by an independent hearing officer chosen from a published list of independent hearing officers. The hearing officer must be an attorney, licensed to practice law in Illinois, must not be an employee of the Board, and must not have represented the Board, its employees or any labor organization representing its employees, any local school council, or any charter or contract school in any capacity within the last year. 105 ILCS 5/34-230(f)(1)(2)(3).

This public hearing regarding the proposal to close Songhai was conducted at the Chicago Board of Education Central Office, 125 South Clark Street, Room 1550, Chicago, Illinois, on April 25, 2013. The hearing officer opened the meeting at 5:30 p.m., introduced himself, and briefly explained the process to be followed. He also thanked those present for taking time from their busy lives to travel downtown on a rainy evening. It was explained that a Spanish interpreter was available, and a sign

language translator signed her presence. A court reporter was present to transcribe the hearing.

A. CPS's Presentation

Lisa Huge, an attorney in the Chicago Board of Education Law Department, opened the meeting for CPS. Ms. Huge explained that she is appearing in connection with the proposal of the CEO of CPS to close Songhai and welcome returning students to Curtis. She tendered a three-ring exhibit binder (Exhibit 1), a copy of which was also available at the public speaker podium for public viewing. Ms. Huge represented that the Exhibit demonstrates that the CEO's proposal complies with the requirements of the Illinois School Code and the CEO'S Guidelines for School Actions. She went through the binder, section by section, explaining the following:

Tab A includes the notice of the community meetings and public hearing published in the newspaper and affidavits attesting to the delivery of notice to parents or guardians, school staff, Local School Council Members, and elected officials. Tab A also provides that:

- The list of qualified independent hearing officers, and Draft Guidelines for School Actions for the 2012-2013 school year were published on the CPS website on October 31, 2012.
- The final Guidelines for School Actions was published on the CPS website on November 30, 2012.
- The proposals and hearing notices were mailed at least fifteen days prior to the community meetings.

- Summaries from the community meetings were mailed within five days after the meetings were conducted.

Tab B includes:

- The Illinois School Code provisions, designating the powers of the Board and outlining the process for school actions.
- CPS's policy on School Performance, Remediation and Probation for the 2011-2012 school year.
- The policy on review and establishment of school attendance boundaries.
- Chicago Public Schools Spaces Utilization Standards.
- The CEO's Guidelines for School Actions for the 2012-2013 school year.
- The CEO's Procedures for Public Hearings on Proposed School Closings.

Tab C includes written evidence and support of the CEO's proposal including summaries and transcripts of the two community meetings to elicit public comments held at a location convenient to the Songhai and Curtis school communities.

The Exhibit was admitted into the record, and Ms. Huge then introduced the CEO's representative, Ashley Richardson. Ms. Richardson, a portfolio manager for CPS since June 2012, manages strategic planning to improve the efficient utilization of CPS facilities. Her education includes a Masters of Education in Education Policy and Management from the Harvard Graduate School of Education. Ms. Richardson stated that according to the CEO's Guidelines for the 2012-2013 school year, the CEO may propose to close a school if it is underutilized as of the 20th attendance day for the 2012-2013 school year. The CEO may only propose the closure if the

impacted students have an option to enroll in a higher performing school, and the resulting space utilization after the closure will not exceed the facility's enrollment range as defined by the CPS Space Utilization Standards.

She explained the 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 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 facility has a total of 39 classrooms. Therefore, the number of allotted homerooms, approximately 76 to 77% of 39, is 30 classrooms. 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 to 1080. If a school in this typical elementary school facility had an enrollment below 720, it would be considered underutilized. Alternatively, if the school's enrollment were above 1080, it would be overcrowded.

There are 32 total classrooms within the Songhai facility. Approximately 76 - 77% of this number is 24, the number of allotted homerooms. This number multiplied by 30 yields the ideal enrollment of the facility, which is 720. As such, the enrollment efficient range of the Songhai facility is between 576-864 students. The enrollment of Songhai as of the 20th attendance day for the 2012-2013 school year is

317. This number is below the enrollment efficiency range and thus, the school is underutilized.

Songhai students will be welcomed at Curtis, and according to Ms. Richardson the resulting space utilization will not exceed Curtis's enrollment efficiency range. Curtis has 40 total classrooms. Approximately 76 – 77% of this number is 30, the number of allotted homerooms. This number multiplied by 30 yields the ideal enrollment of the facility, which is 900. As such, the enrollment efficiency range of Curtis is between 720 – 1080 students. Currently, Curtis has 474 students enrolled. Songhai's current enrollment of 317 students and s current enrollment of 474 students totals 791 students, which is within Curtis's enrollment efficiency range of 720 – 1080 students. Further, the projected enrollment of Songhai for the 2013-2014 school year is 304, and the projected enrollment for Curtis is 505, for a total of 809 students, which is also within Curtis's enrollment efficiency range. A copy of Ms. Richardson's complete statement is contained at Tab 21 of Exhibit 1.

Ms. Huge next introduced Karen Saffold, Chief of Schools for the Rock Island Elementary School Network, the network that includes Curtis. Ms. Saffold has worked as a teacher, curriculum coordinator, assistant principal and principal. She holds a doctorate in education and degrees and certificates from Illinois State, Roosevelt, Nova Southeastern, Harvard and Northwestern Universities.

According to Ms. Saffold, when Songhai students are welcomed by the Curtis administration, staff and students, they will be attending a higher performing school based on the CEO's Guidelines for School Actions. She referred the Hearing Officer

to the Chicago Public School's Policy Manual Section on School Performance, Remediation and Probation Policy that explains how annual school ratings are determined. District-wide, schools designated Level 1 are the highest performing, and schools designated Level 3 are the lowest performing. While Songhai received a Level 3 rating based on its performance during the 2011-2012 school year, Curtis received a Level 2 rating.

Ms. Saffold also explained that if the proposal is approved, Songhai students will receive additional supports during the remainder of this school year and at Curtis the following year, and CPS will provide assistance to ease the transition process. Also, CPS has developed a plan dedicating additional resources to address any safety concerns and to fulfill students' academic, social, emotional and other individual needs. The draft transition plan explaining these additional resources has been sent to all families affected by this proposal.

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

- OSS will review and update school safety audits, security personnel allocations and school safety technology systems and make enhancements as appropriate.
- OSS will be available to address specific safety concerns raised by students and staff.

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

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

- A Principal Transition Coordinator (PTC") will be assigned to help the principal of Songhai maintain academic rigor for the remainder of the school year and insure a smooth transition to Curtis. PTCs are former principals or other administrators with significant experience, who will be a resource for the administration.
- The Curtis 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.
- 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.

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

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

- CPS will help staff members implement restorative practices, such as peer circles and peer juries, to encourage peer-to-peer problem solving and resolution.
- Students in need of more individualized attention will be provided with access to highly structured interventions.
- To foster an environment that is both supportive and inclusive for all students, CPS will provide resources to Curtis leadership to implement culture-building activities such as staff luncheons 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 and parent meetings to help transitioning families get to know their new school.

Finally, additional transition supports will be provided to insure that Songhai students with 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. A complete copy of Ms. Saffold's statement is available at Tab 24 of Exhibit 1.

B. Public Commentary

The floor was then opened to the public for comment. The Hearing Officer again thanked those present for taking time from their busy schedules to participate in the hearing. It was again stated that a Spanish language interpreter was present, and a sign language interpreter signaled her presence.

Ninety-one public participants attended the hearing, and forty-one elected to speak. The speakers included seven teachers, former teachers and teacher assistants, twenty-three students, four parents of students, two Local School Council members, a member of the Chicago Teachers Union, a school volunteer, the Songhai lunchroom manager who read a letter from Michelle Obama (included as an exhibit), and two representatives from the Salvation Army. While the classifications for several of the above speakers overlapped, they have been only counted once. Those attending the meeting but not speaking included Songhai's principal and assistant principal, parents, teachers and teacher assistants, students, community members and members of the Chicago Teachers Union.

The tenor of the public comment was consistent – all opposed to the proposed closing. And, while their opposition was strong, the participants were orderly at all times. The speakers' comments were similar to the comments raised at the two previous public meetings and included a variety of concerns:

- Many worried about student safety due to gun violence and gang issues in the community. Some noted that Curtis and Songhai are rival schools and that Songhai students would not be welcome. One referenced a serious fight between Curtis and Songhai in 2000, and another felt the closure would never work given the history of violence between the two school communities.
- Worry that the police will not be able to respond to the increase in incidents that may result from the closure of Songhai.

- Worry about the safety of parents who now have to take students to Curtis.
- Many spoke about the history of the school and that it was a community institution dating back to the 1800's. For many students it was the school of their mothers, fathers, aunts or uncles. It was the school or former school for their brothers and sisters. Some of the parents had both children and grandchildren that attended Songhai.
- The belief that Curtis is not a better school given it is only 2 points away from level 3 status and has lower ISAT and MAP scores.
- The availability at Curtis of programmatic Songhai offerings such as chess club, band, culinary arts, mentoring for both girls and boys and track and field.
- Many mentioned the improvement of Songhai's culture over the last three years, since the change in administration.
- The lack of culture data available about Curtis.
- One asked CPS to come up with an alternative solution to the closure.
- One expressed the family environment and support Songhai offers to students in tough times.
- The level of support that will be available to transitioning students.
- One believed that CPS cares more about numbers than about students.
- What will happen to external partnerships with organizations including the Chicago Bulls, the Salvation Army, and the Kroc center?

- Many expressed the strength of the current teachers and administration.
- Students were concerned that the same sports and extracurricular activities will not be available.
- The older students all desired to graduate from Songhai.
- The concern about larger class sizes at Curtis after closure.
- The belief that class sizes at Songhai (and presumably Curtis) are too large to promote individualized instruction.

By the conclusion of the hearing everybody in the room was given an opportunity to speak, including those who had not signed up to do so. Eleven public participant exhibits were admitted into the record. Finally, it was explained that the hearing would remain open until 5:00 p.m. the following day in the event anyone had anything to add. Written statements and exhibits could be emailed to qualityschools@cps.edu or dropped off here at the 7th floor Law Department at 125 South Clark Street. In fact, two of the aforementioned exhibits were dropped off the following day.

V. **FINDINGS**

With respect to proposed school closures, the Hearing Officer's function is somewhat limited. The Hearing Officer does not decide whether the proposed closure is prudent or reasonable. Nor does the Hearing Officer determine if the CEO's proposal is in accord with the manifest weight of the evidence. Rather, the School Code instructs the Hearing Officer to:

issue a written report that summarizes the hearing and determines whether the chief executive complied with the requirements of this Section and the guidelines.

105 ILCS 5/34-230(f)(4).

Thus, the proper function of the hearing officer here is to conduct a public hearing that allows CPS an opportunity to present its rationale for the proposed closure, and gives those affected by the closure, and their public officials, an opportunity to present testimony, offer exhibits, and express their positions. The hearing officer's task then is to issue a report, summarizing the hearing, and determining whether the CEO followed the very specific mandates of the School Code. If it is determined the CEO did not comply with the School Code, the Board shall not approve the school closure. However, if the CEO has fully complied with Illinois law and CPS's policies and guidelines, the ultimate to close is within the sound discretion of the School Board.

The Hearing Officer has carefully examined the record and concludes that the CEO has complied with all of the requirements of the School Code:

- The list of independent hearing officers and Draft Guidelines for School Actions for the 2012-2013 school year were published on the CPS website on October 31, 2012.
- The Final Guidelines for School Actions were published on the CPS website on November 30, 2012.
- The CEO timely announced the proposed closure of Songhai.
- The CEO timely published notice of the proposed closure, including a written statement of the basis of the school action, an explanation of how the school

actions meet the criteria set forth in the guidelines, and a draft School Transition Plan identifying the items required in Section 34-225 of the Code for all schools affected by the Plan.

- The notices set forth the date, time and place of the public meetings and hearing and were provided to the principal, staff, local school council and parents or guardians of children subject to the proposed closure.
- Written notice was also provided to Senator Emil Jones, III of the 14th District of the Illinois Legislature, Representative Robert Rita of the 28th District of the Illinois Legislature, Alderman Carrie M. Austin of the 34th Ward of the Chicago City Council, and Alderman Anthony A. Beale of the 9th Ward of the Chicago City Council.
- Notice of the proposed closure was timely published on the District's website.
- Two public meetings were noticed and conducted at Harlan High School, 9652 South Michigan Avenue on Saturday April 6, 2013 at 10:00 a.m. and Friday April 12, 2013 at 5:00 p.m. The transcripts and the summaries of these public meetings are contained in Exhibit 1, Tab C 17-20.

Exhibit 1, Tab A 1-7 contains the aforementioned notices along with affidavits reflecting compliance with mailing and publication requirements. Indeed, no questions regarding compliance with Section 34-230 were ever raised at the public meetings or hearing.

Ms. Richardson's testimony clearly explains why Songhai, with a 317 student enrollment, and Curtis, with a 474 student enrollment, are underutilized. She also

explained why the combined enrollment of Songhai and Curtis of 791 students is within Curtis's enrollment efficiency range.

Ms. Saffold's testimony explains why Curtis, at level two, is a higher performing school than Songhai, at level 3. Her testimony also mentions the CPS Office of Safety and Security plan for a safe transition of students and academic and social supports the students will receive.

Based on the foregoing the Hearing Officer finds that the CEO has fully complied with all applicable Illinois laws and CPS's policies, guidelines and procedures which must be met prior to the Board's consideration of the proposal for the closing of Songhai, the transfer of its students to Curtis and the reassignment of Songhai's boundaries to Curtis.

Dated: May 4, 2013

A handwritten signature in dark ink, appearing to read "Tom Rakowski", written over a horizontal line.

**Hon. Thomas Rakowski (Ret.)
Independent Hearing Officer**