

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

**INDEPENDENT HEARING OFFICER REPORT OF ROBERT V. BOHARIC
IN THE MATTER OF THE PROPOSED CO-LOCATION OF THE
KIPP MIDDLE SCHOOL CHARTER SCHOOL WITH
HOPE COLLEGE PREPARATORY HIGH SCHOOL**

INTRODUCTION

On April 20, 2013 at 11:30 A.M. at 125 South Clark Street in Chicago, Illinois, the undersigned attorney licensed to practice law in Illinois and retired Circuit Court Judge of the Circuit Court of Cook County, presided over a public hearing as Hearing Officer concerning the proposed co-location of the KIPP Middle School Charter School (hereafter KIPP) with Hope College Preparatory High School (HOPE).

**SUMMARY OF THE EVIDENCE AND DOCUMENTS
RECEIVED AT THE HEARING**

Ms. Lisa Dreishmire, an attorney of the Chicago Board of Education's Law Department, introduced into evidence the Chief Executive Officer's (CEO's) Exhibit 1, a binder of documents in support of the CEO's proposal. Exhibit 1 was admitted without objection. The following is a summary of those documents in Exhibit 1.

Under tab "A. Notices of Hearing" there appeared six items. The first is a Notice Letter to Parents or Guardians of Students at HOPE and a Draft Transition Plan, both dated March 21, 2013 from CEO Barbara Byrd-Bennett setting forth the CEO's plan and rationale for this proposal to co-locate KIPP and HOPE at the present HOPE location at 5515 S. Lowe Avenue in Chicago. The District faces a \$1 billion deficit that threatens to undermine the education of all the students. One way to attack this deficit is to avoid underutilized half-empty buildings that are a drain on the resources of the District. The HOPE facility is one such school and it has enough space to accommodate KIPP. The two schools will operate separately but will share some facilities or common areas in accordance with the Board's 2005 Shared Facility Policy. These documents also set forth certain plans and investments of CPS to enhance the children's education and adjust to the changes brought about by the proposal. She invites parents and guardians of students to attend two community meetings at the Englewood H.S. Campus on April 6th and April 13th, as well as the Public Hearing on April 20th in which they and others will have the opportunity to make comments regarding the proposal.

The second document in tab A is a similar Notice Letter to Administrators, Faculty, Staff, and Local School Council Members at HOPE and Board Members for KIPP of March 21, 2013 with an attached Draft Transition Plan for the proposed co-

location. Document 3 is the affidavit (See 8. s.; and 13. c.) of Jeff Bloom, Performance Data Analyst of CPS, regarding the mail or personal delivery of the above notices, 1 and 2 on or about March 21, 2013. Next is the affidavit of Leonard Langston of CPS attesting to email delivery of Notice Letters to relevant elected officials (See 28.) on or about March 21, 2013. The fifth document is the affidavit of Jason Van Patten (See 5. aa.; 7. i; and 13. m.) attesting to the publication of various documents and notices including summaries from the aforementioned Community Meetings. Sixth is the public notice of the meetings and hearings in the Chicago Sun-Times of April 1, 2013.

Tab B of Exhibit 1 is a helpful compilation of controlling legal and procedural statutes and rules, not only for use of the hearing officer but also for the public's reference since CPS provided another binding at the podium for public use during the hearing. These inserts are (as numbered in the binder for Exhibit 1): 7. 105 ILCS 5/34-18 ("Powers of the Board"), effective July 13, 2012; 8. 105 ILCS 5/34-200 ("Definitions"), effective July 13, 2012; 9. 105 ILCS 5/34-225 ("School Transition Plans"), effective November 30, 2012; 10. 105 ILCS 5/34-230 ("School Action Public Meetings and Hearings"), effective August 22, 2011; 11. 105 ILCS 5/34-232 ("Proposed School Action Announcement and Notice, [for the] 2012-2013 School Year") effective November 30, 2012; 12. Chicago Board of Education Shared Facility Policy (Policy Manual Section 410.7, Board Report 05-0126-PO1); 13. Chicago Public Schools Space Utilization Standards (Issued December 28, 2011); 14. Guidelines for School Actions, 2012-2013 School Year (Issued November 30, 2012); and 15. Chief Executive Officer's Procedures for Public Hearings on Proposed School Closure, Consolidation, Co-Location, Phase-Out, or Reassignment Boundary Change.

Tab C of Exhibit 1 contains the substantive evidence and comments of those participating in the two community meetings and the public hearing. They are: 16. The transcript of the April 6th, 2013 Community Meeting; 17. A summary of that April 6th meeting; 18. The transcript of the April 13, 2013 Community Meeting; 19. A summary of that April 13th meeting; 20. Written Statement of Ben Felton, Portfolio Planner for CPS; 21. Written Statement of Grace Kuklinski Rappe, Capital Architect and Design Manager, Department of Operations for the CPS; and 22. Ms. Kuklinski Rappe's Presentation consisting of an aerial map and three floor plan diagrams of the present HOPE space at the Lowe Avenue campus. On each of these four visual documents (22 of Exhibit 1) the proposed HOPE space is featured in blue, the proposed space of KIPP is in green, and the proposed shared space is shown in red. These visual documents are quite useful in understanding the CEO's proposal and its merit and were displayed at the hearing on a large screen.

THE APRIL 6, 2013 COMMUNITY MEETING.

The transcript of the Community Meeting on April 6th, 2013 (16 of Exhibit 1) begins with Ms. Kris Tiefenthaler of CPS introducing the participants, the subject of the meeting, and how the meeting would be conducted. She told participants that under the pending proposal of the CEO to co-locate KIPP and HOPE, students of both schools will remain enrolled in their respective schools and no impact will occur to the teachers and

staff of either school (Tr. 4-5). Dr. Stephanie Whyte then facilitated the remainder of the meeting.

The first speaker was Ms. Glenda Pettigrew, an Englewood resident and parent of a 5th grader. She supports KIPP's co-location at HOPE as it would give Englewood a quality option for its middle school children (Tr. 7-8).

Ms. Ellen Sale was the next speaker. Ms. Sale stated that she was the founding principal of KIPP Bloom College Prep, and expressed her happiness in being able to champion KIPP's co-location with HOPE as well as her eagerness to serve the Englewood community (Tr. 8). Ms. Sale explained that KIPP is part of the nationally recognized Knowledge Is Power Program that operates free, public and open enrollment charter schools in 120 U.S. cities, including three schools on Chicago's West Side, serving mainly low-income families (Tr. 9). Ms. Sale described how their students are thriving under KIPP's educational approach and getting into some of the nation's finest colleges (Tr. 9).

The third speaker was Ms. Shnesa Wiggins, parent of a 7th grade KIPP student (Tr. 10). She loves KIPP because it is providing a quality education for her daughter to prepare her for high school and college (Tr. 10). The teachers at KIPP are committed and supportive; KIPP is extraordinary in her view (Tr. 10).

The last speaker at the meeting was Ms. Hermania Wiggins, a parent whose daughter is attending a KIPP school on the West Side, a twelve-mile trip from her home on the South Side (Tr. 10-11). Ms. Wiggins supports the KIPP move to Englewood and has seen for herself how well KIPP educates the students (Tr. 11).

THE APRIL 13, 2013 COMMUNITY MEETING

As on April 6th, Ms. Kris Tiefenthaler of CPS again made opening remarks about the meeting process (Tr. 3-5). Ms. Tiefenthaler emphasized the common concern about the safety of the children and how CPS is addressing this important matter (Tr. 5). She related how each welcoming school [here HOPE] will have safe passage for its children and that CPS will work with parents before any plans are finalized (Tr. 5). She described how additional security would be given to the welcoming school such as alarms and entry screening equipment, as well as the security guard from the sending school [here KIPP] (Tr. 5). CPS also is planning to hold feedback sessions as to security with parents and students (Tr. 5). As at the meeting on April 6th, Ms. Tiefenthaler emphasized that both HOPE and KIPP students would remain in their respective schools and that there would be no impact as to teachers or staff because of the co-location (Tr. 5-6). She added that each of the schools would have a separate dedicated entrance, separate administrative space and that the parking lot would be split to handle both staffs (Tr. 6). She stated that the proposal includes a customized safety plan for the schools as well as social and emotional support for the children (Tr. 6). Dr. Stephanie Whyte then facilitated the meeting.

The first speaker was Ms. Ellen Sale who testified in a similar way to her statements on April 6th, summarized above, but added that the KIPP philosophy as to character development in addition to academic strengths is aimed to lead the students to lead happy and peaceful lives (Tr. 8-9).

The second speaker was Ms. Shaneka Page, who spoke of her son's excellent education by KIPP at its location outside of her Englewood community where she had been raised and educated (Tr. 11). She wished the whole Englewood community would have such a high-quality option and strongly supports this co-location of KIPP within Englewood (Tr. 10-11).

The next speaker was Jasmine, a junior in high school, who spoke glowingly of the benefits she received from her education at a KIPP facility despite a one hour and eighteen minute commute from Englewood to the school (Tr. 12-13). She is now a 3.5 GPA student athlete taking honors and AP classes and thriving (Tr. 12). She said the commute was worth it for her but wants the same opportunity to be available to other students like her without such a long commute (Tr. 12-13).

The next speaker was Randi Ginyard, a teacher at HOPE where strong security measures are in force, who raised security concerns especially as to the middle school children of KIPP (Tr. 13-14).

The final speaker of the day was Kyla Mathews, a teacher at HOPE, who asked if there is a model or example for the transition from which HOPE might gain insight (Tr. 15-16).

THE APRIL 20, 2013 PUBLIC HEARING

At the public hearing on April 20, 2013 in addition to the documentary evidence received in Exhibit 1, eight witnesses were presented.

The first witness, Mr. Ben Felton, works as Portfolio Manager at CPS where he "manages strategic planning to improve the efficient utilization of CPS facilities" (Transcript of 4/20/13, hereafter 'Tr.' 6). Mr. Felton testified that according to the CEO's guidelines, the CEO may propose co-locations if two conditions are met: (1) the combined projected enrollment is within the facility's "enrollment efficiency range as defined by the CPS space utilization standards", the issue he will address, and (2) the facility can support the academic programming of both schools, the issue Ms. Grace Kuklinski Rappe will discuss (Tr. 8). In addition the proposed co-location of KIPP and HOPE is contingent on the Board approving the creation of the proposed KIPP Charter (Tr. 7). Mr. Felton then stated that HOPE is a high school that currently serves 507 students in grades 9 through 12 at 5515 South Lowe Avenue while KIPP is a proposed new charter middle school that will be serving 89 students in the fifth grade (Tr. 8-9). This proposed new school, KIPP, will grow each year and is anticipated to reach an enrollment of 360 fifth through eighth grade students (Tr. 9). The "Enrollment Efficiency" of a facility is plus or minus 20 percent of the facility's "Ideal Enrollment" as both terms

are defined in CPS's Space Utilization Standards [See Tab B, 13, at p.2 of Exhibit 1] (Tr. 9). In the case of a high school facility the Standards also provide that "Maximum Capacity" is equal to the total number of instructional classrooms times thirty and that 80% of a high school facility's "Maximum Capacity" equals its "Ideal Enrollment" [See Tab B, 13, at pp. 4-5] (Tr. 9). Mr. Felton stated that there are 54 total classrooms at the 5515 S. Lowe facility and therefore the "Maximum Capacity" of the facility is 54 times 30 or 1,620 students (Tr. 10). Thus the "Ideal Enrollment" of the facility is 1,620 times 80% or 1,296 students (Tr. 10). Accordingly, the "Enrollment Efficiency" of the facility ranges from 80% of 1,296 students, 1,037 at the bottom, and 120% of 1,296 students or 1,555 students at the top, for a range of 1,037 to 1,555 students (Tr. 10). Since the projected enrollment of HOPE for 2013/2014 is 451 and the projected enrollment of the proposed KIPP is 89 for next year, the sum of 540 students is below the enrollment efficiency range of the facility and there is enough space for both schools (Tr.10). To accommodate the enrollment of both schools, 27.5 classrooms will be assigned to HOPE under the proposal and 26.5 to KIPP (Tr. 11). The 27.5 classrooms assigned to HOPE are sufficient to accommodate its enrollment going forward (Tr. 11). Likewise, the 26.5 classrooms assigned to the proposed KIPP school is more than sufficient for its fall 2013 enrollment of 89 as well as its projected fall 2016 enrollment of 360 students (Tr. 11).

The next witness was Ms. Grace Kuklinski Rappe, Capital Architect and Design Manager for the Chicago Board of Education (Tr. 12). She described the HOPE facility, which was constructed in 1972, by means of a slide presentation reproduced in Exhibit 1, at 22 (Tr. 14-15). The facility consists of a three story building containing the classrooms and a two story building containing a pool on the first floor, which will be maintained by HOPE, and the gymnasium on the second (Tr. 14, 16; Exhibit 1, 22). In my opinion Ms. Kuklinski Rappe demonstrated convincingly that the 5515 S. Lowe facility will meet the needs of both schools for academic courses, lunch, physical education, administrative offices and other programming (Tr. 14-18). If the proposal of the CEO is approved, she said, a memorandum of understanding (MOU) on sharing of space between the schools would be drafted with the help of CPS pursuant to the Board's Shared Facility Policy (Tr. 18-19). Each school will have a separate entrance to the facility with HOPE retaining its present entrance while KIPP would have an entrance near the proposed new office (Tr. 15-16). She testified that HOPE's need for classroom space, 27 rooms, can be met by its using classrooms primarily on the southern end of the building while KIPP's need of 25 total classrooms can be met by allocating the space on the northern side of the building (Tr. 16). Lunch for HOPE will continue as at present, while space in the northern part of the building will be converted into a lunchroom for KIPP (Tr. 16-17). Each school will have separate office space as HOPE would continue to use its present office space while KIPP would use a newly converted office space in the north part of the building (Tr. 17). The needs of both schools for space for physical education as well as a place for performances and gatherings will be met by sharing the gymnasium and the kiva; the details of that sharing will be arranged in the MOU process (Tr. 17). If the proposal is approved, CPS' Department of Operations will propose various improvements to the facility for the benefit of both schools' students and staff: new signage; independent telecommunication and intercom systems for each school so that each school maintains separation; new AC units for all classrooms; conversion of existing space to provide each

school with a dedicated lunchroom and library, ADA upgrades; and needed interior cosmetic improvements (Tr. 18-19). Ms. Kuklinski Rappe stated that the Department of Operations estimates the cost of these improvements to be approximately \$6.4 million (Tr. 19). She concludes that these two schools can fit within the 5515 S. Lowe Avenue facility (Tr. 19).

Ms. Ellen Sale was the next speaker. Ms. Sale stated that she was the founding principal of KIPP Bloom College Prep, and enthusiastically expressed her happiness in being able to champion KIPP's co-location with HOPE as well as her eagerness to serve the Englewood community (Tr. 20). Ms. Sale explained that KIPP is part of the nationally recognized Knowledge Is Power Program that operates 125 free, public and open enrollment charter schools in 20 states and the District of Columbia, including three schools on Chicago's West Side, serving mainly low-income families (Tr. 21). Ms. Sale noted how their students are thriving under KIPP's educational approach and getting into some of the nation's finest colleges (Tr. 21-22).

Ms. Kimberly Marcia Green was the next witness (Tr. 22-23). Ms. Green has been searching for the right school for her son, and having investigated how KIPP schools are run in person, she is pleading for this KIPP school not only for her son but also for others in the Englewood community (Tr. 23).

The next witness was Mr. Johnny Slay, a custodian with CPS, who emphatically stated his opposition to all school closings (Tr. 24).

Mr. Jorge Ortiz was the next speaker (Tr. 24-25). Mr. Ortiz appeared as a good citizen of Chicago who is opposed to the school closings (Tr. 25). He is concerned about children having to go from one school to another in the face of crime and wants to help keep communities to stay safe (Tr. 25). Mr. Ortiz also opposes school closings in order to keep neighborhoods united (Tr. 25).

The next witness was Ms. Rosalinda Juarez, who came to the hearing to represent the community; it is worried about the school closures because they increase the risks to some children in some situations when they go to a different school, especially in the winter and during nighttime hours (Tr. 25-26).

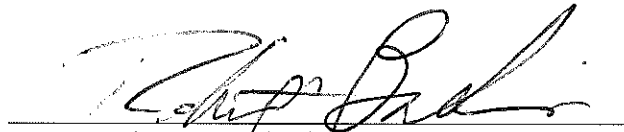
The final speaker was Mr. Antavis Spells (Tr. 27). Mr. Spells grew up in the Englewood community and is a 2002 graduate of HOPE. At HOPE Mr. Spells had a great teacher whose passion and support for him was an inspiration (Tr. 28). Mr. Spells is now himself a teacher at KIPP Bloom Primary Charter School in Chicago (Tr. 28). He sees the same passion and drive in the KIPP teachers he works with that he saw in his great teacher at HOPE (Tr. 28). Mr. Spells is very supportive of the proposal and thinks KIPP will be a great asset to the community (Tr. 29).

FINDINGS AND RECOMMENDATION AS TO THE PROPOSAL

The hearing officer makes the following findings as to the proposal to co-locate the proposed KIPP Middle School Charter School with Hope College Preparatory High School:

1. The hearing officer finds and reports that the testimony and other evidence received at the hearing and meetings strongly support the CEO's proposal. Particularly worthy of credit is the supporting testimony of Mr. Ben Felton and Ms. Grace Kuklinski Rappe of CPS.
2. The hearing officer finds that the proposal meets the Criteria for Co-location set forth in the CEO's Guidelines for School Actions for the 2012-2013 School Year in that (1) the combined projected enrollment is within the facility's enrollment efficiency range as defined by the CPS' Space Utilization Standards; and (2) that the facility can support the academic programming of both schools.
3. Pursuant to 105 ILCS 5/34-230 (f) (4) the hearing officer finds and reports that the proposal and the procedures followed as to this co-location comply with the above-cited Illinois statutory law and with the rules, policies, standards, procedures, and guidelines of the Chicago Board of Education.

Respectfully submitted:


Robert V. Boharic, Hearing Officer

May 2, 2013.