

**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
KWAME NKRUMAH ACADEMY ELEMENTARY SCHOOL WITH
THE WALTER Q. GRESHAM ELEMENTARY SCHOOL**

INTRODUCTION

On April 20, 2013 at 2:00 P.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 Kwame Nkrumah Academy Elementary School (hereafter Nkrumah) with Walter Q. Gresham Elementary School (Gresham).

**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 seven items. The first is a Notice Letter to Parents or Guardians of Students at Nkrumah and Gresham 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 Nkrumah and Gresham at the present Gresham location at 8524 S. Green Street 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 Gresham facility is one such underutilized school and it has enough space to accommodate Nkrumah. 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 Harlan H.S. 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 Gresham and Administrators, Faculty, Staff, and Board Members for Nkrumah of March 21, 2013 with an attached Draft Transition Plan for the proposed co-location. Document 3 is the affidavit (See 8. dd; and 12. d.) 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, 4, is the affidavit of Leonard Langston of CPS attesting to email delivery of Notice Letters to relevant elected officials (See 25.) on or about March 21, 2013. The fifth document is the affidavit of Jason Van Patten (See 5. x; 7. m; and 13. r.) 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. The final document in tab A is the Board Report of February 23, 2011 approving Nkrumah's Charter.

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): 8. 105 ILCS 5/34-18 ("Powers of the Board"), effective July 13, 2012; 9. 105 ILCS 5/34-200 ("Definitions"), effective July 13, 2012; 10. 105 ILCS 5/34-225 ("School Transition Plans"), effective November 30, 2012; 11. 105 ILCS 5/34-230 ("School Action Public Meetings and Hearings"), effective August 22, 2011; 12. 105 ILCS 5/34-232 ("Proposed School Action Announcement and Notice, [for the] 2012-2013 School Year") effective November 30, 2012; 13. Chicago Board of Education Shared Facility Policy (Policy Manual Section 410.7, Board Report 05-0126-PO1); 14. Chicago Public Schools Space Utilization Standards (Issued December 28, 2011); 15. Guidelines for School Actions, 2012-2013 School Year (Issued November 30, 2012); and 16. 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: 17. The transcript of the April 6th, 2013 Community Meeting; 18. A summary of that April 6th meeting; 19. The transcript of the April 13, 2013 Community Meeting; 20. A summary of that April 13th meeting; 21. Written Statement of Ben Felton, Portfolio Planner for CPS; 22. Written Statement of Grace Kuklinski Rappe, Capital Architect and Design Manager, Department of Operations for the CPS; and 23. Ms. Kuklinski Rappe's Presentation consisting of an aerial map of the present O'Toole space on Green Street and three diagrams of the first, second, and third floors of the current Gresham facility. On each of these four visual documents (23 of Exhibit 1) the proposed Nkrumah space is featured in blue, the proposed space of Gresham is in green, and the proposed shared space is shown in red. These visual documents are 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.

At the Community Meeting at Harlan H. S. of April 6th, Ms. Annette Gurley of CPS introduced the subject of the meeting, told participants the procedure that would be followed in the meeting, and described the content of handouts pertaining to the proposed co-location of Nkrumah and Gresham (Tr. 2-5). Dr. Markay Winston then facilitated the remainder of the meeting.

The first speaker was Ms. Marlene Wadley whose granddaughter attends kindergarten at Nkrumah (Tr. 8). She expressed her concern that Nkrumah is way over east [901 E. 95th Street] whereas Gresham is way over west [8524 S. Green] (Tr. 8). Ms. Wadley is concerned about safety issues, transportation to Gresham, her and others' lack of knowledge of the Gresham area, how the schools will co-exist, and how the co-location would affect her granddaughter's grades and emotional condition (Tr. 8-9).

The second speaker was Tanisha Maxwell who is affiliated with Nkrumah (Tr. 10). She expressed her concern regarding safety and security of Nkrumah students at Gresham, both coming and going to Gresham, and inside and outside the Gresham building (Tr. 10-11). Another concern is whether the Nkrumah children and the Gresham children would be kept separate at lunch and at the gym (Tr. 11). Dr. Winston then pointed out how there was such information available at numbers and the website listed on handouts (Tr. 11-12).

The third speaker was Ms. Monique Whittington, Principal of Nkrumah (Tr. 14). She said that she is anxious to speak to the principal of Gresham and the community to learn how best to serve the community (Tr. 14). She testified that Nkrumah is an African-centered school and that when they go into the community they want to make sure people know they are there and that they are there to serve (Tr. 14). She stated that there are a lot of questions that cannot be answered just yet, but expressed a positive attitude and asked parents to have faith, at the same time expressing awareness that moving Nkrumah is an emotionally-charged subject (Tr. 14-15).

The next speaker was Ms. Zwahyyah McElrath, parent of a Nkrumah student (Tr. 16). Going from 95th and Cottage Grove to 85th and Green is a long distance and that is her concern (Tr. 16).

The fifth speaker was Ms. Iris Bess, parent of two students at Nkrumah (Tr. 16). For her, safety issues are of slight concern but she is concerned that, as expressed by Ms. McElrath, the schools are so far apart that some students may be walking to school while others may be taking public transportation, and such a distance may make it hard to get to school for some students (Tr. 16-17).

The next speaker was Ms. Tiffany Powell, mother of two students, who asked whether there would be bus service for the children (Tr. 18). Again, Dr. Winston said that the purpose of the meeting was to listen, and so he was unable to provide answers just then, other than pointing out the sources and information on the handouts (Tr. 18).

Ms. Joy McCann spoke next as parent of a Nkrumah kindergarten student (Tr. 19). She stated that Nkrumah is an awesome school and that she was at the meeting to speak for her daughter, despite her other conflicting duties as a self-employed business owner (Tr. 20). Ms. McCann said she feels her time was being wasted at the meeting and that she feels that CPS should be giving Nkrumah a better option than Gresham that is a three-mile move (Tr. 20). She said that Gresham's scores were low but that Nkrumah's were not (Tr. 21). She asked whether unused public buildings might be available for Nkrumah (Tr. 21-22). Nkrumah is unique and awesome; it is like a village or a family (Tr. 21). She added that safety is an issue, transportation is an issue, and just being on time for class is an issue in light of the distance between the schools (Tr. 22).

The next speaker was Mr. Kelly Vaughn who is affiliated with Nkrumah (Tr. 23). He described how in the last three years Nkrumah had lost some of its support and merit and that without funding there had to be change, but he questioned the move to the dilapidated neighborhood around Gresham from which many people have moved away due to its high crime rate with a lot of killing and violence (Tr. 24-25). Further, he asked what was the predominant ethnicity of the teachers at Gresham (Tr. 25).

The concluding speaker was Ms. Freddie Winston, 73, from Gresham Elementary School (Tr. 25). She loves children and is very concerned about their education including her great grandson whom she had with her at the meeting (Tr. 26). She prays that the closing of schools will stop and that parents get together to develop these kids, whether people have to walk, drive or otherwise get to school (Tr. 26). She said Gresham has a great principal, Dr. Brown, and a great staff (Tr. 26). As far as crime is concerned, it is everywhere and people should be concerned about these children's education (Tr. 26).

THE APRIL 13, 2013 COMMUNITY MEETING

The second community meeting took place on April 13th at Harlan H. S. Mr. Tom Tyrell of CPS first described the manner in which the hearings are conducted (Tr. 2-3). Then Mr. Tyrell addressed some of the common concerns heard at such hearing and provided some specific information regarding safety and security concerns (Tr. 3). He stated that every welcoming school [here Gresham] will have safe passage for the children and CPS will work with parents before any routes are finalized (Tr. 3). Every welcoming school will have additional security and the security guard from the sending school [here Nkrumah] will follow those students to the welcoming school (Tr. 3). Parent and student engagement forums will be held at the co-location school (Tr. 3). CPS is working with the CPD and other city agencies to provide a safe walk to school (Tr. 3). Both Nkrumah and Gresham students will remain enrolled in their respective schools and the co-location will have no effect on the status of teachers or staff at either school (Tr. 4). Each school will have a separate entrance, administrative space, lunchroom, and CPS will work with them in the scheduling of the spaces to be shared: the existing library, auditorium and gymnasium (Tr. 4).

Mr. Anthony McPhearson then facilitated the remainder of the meeting after first giving the mechanics of how the meeting would be held (Tr. 5-9). The first speaker was

Mary Muhammad, a teacher at Gresham, who noted that the school was then at about 95% of capacity and raised the issue of what would happen if Gresham's enrollment increased and they needed more space (Tr. 9).

The next speaker was Ms. Vielina Drain, associated with Gresham, who asked why, on a handout she had received, Nkrumah was listed before Gresham (Tr. 10). Mr. McPhearson restated that they were here to listen, not to answer questions directly (Tr. 10). Ms. Drain also wanted to know if Gresham would be considered first for the air conditioning units mentioned on the handouts (Tr. 11).

The third speaker was Ms. Rhonda McLeod, a long-term teacher in the district and at Gresham and a professor of special education at Governor State University (Tr. 12). Ms. McLeod raised a question regarding Gresham's special education population (Tr. 12). She said they are at 96 percent utilization at this point (Tr. 13). She asked how Gresham will be affected if they received more special education children since they already have 16 special education children in one room and another with 15 children (Tr. 13). Mr. McPharson again stated that this information and concern would be passed along to the appropriate people who will address the comments and post responses on the CPS website (Tr. 13).

The next speaker was Dr. Diedris Brown, Principal of Gresham (Tr. 14). Dr. Brown said that he had held in the past week a public community school forum in which there were a few community members present as well as quite a few parents (Tr. 14). Dr. Brown then raised a question for parents and guardians unable to attend as well as several teachers on the Gresham staff: what is Gresham to do if the enrollment of the school grows and children come in to register? (Tr. 14). Dr. Brown stated that Gresham is right around 95, 96 percent utilized and he hates to send children away and further, if this is their attendance area they have a right to go to Gresham (Tr. 15). Dr. Brown stated that Gresham will become a level 1 or a level 2 school this year, hence this issue needs to be considered as it is important to parents (Tr. 15). Dr. Brown asked to sit down with the person from CPS assigned to this co-location (Tr. 15).

The last speaker was Mr. Stephen Rozelle, physical education instructor at Gresham who asked how and where certain equipment would be placed given the sharing of space with Nkrumah (Tr. 15-16).

THE APRIL 20, 2013 PUBLIC HEARING

At the public hearing on April 20, 2013 there were two live witnesses in addition to the documentary evidence in Exhibit 1. They are Mr. Ben Felton and Ms. Grace Kuklinski Rappe from CPS.

Mr. Ben Felton works as Portfolio Manager at CPS in which he "manages strategic planning to improve the efficient utilization of CPS facilities" (Transcript of 4/20/13, hereafter 'Tr.' p. 6). Mr. Felton testified that according to the CEO's guidelines, the CEO may propose co-locations if two condition 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. 7). Mr. Felton then stated that Gresham currently serves approximately 341 K through 8th grade students at 8524 S. Green Street (Tr. 7-8). Nkrumah serves approximately 244 K through 5th grade students and is anticipated to reach an enrollment of 421 students in grades K through eight (Tr. 8). Mr. Felton explained how the enrollment efficiency range is plus or minus 20% of the facility's ideal enrollment (Tr. 8). For elementary schools the ideal enrollment is defined as the number of allocated homeroom classrooms times 30 (Tr. 9). The number of allocated homeroom classrooms is about 76% of the total classrooms at a facility, at Gresham 30 out of a total of 39 classrooms in the facility (Tr. 9). Thirty allocated homeroom classrooms multiplied by 30 students per homeroom equals the 'ideal enrollment' of 900 students (Tr. 9). The enrollment efficiency range is then the range between 80% of 900 and 120% of 900 ($.8 \times 900 = 720$ and $1.2 \times 900 = 1,080$) or between 720 and 1,080 students (Tr. 9). The current total enrollment in 2012/2013 of Gresham, 341, plus Nkrumah's total of 244 students 2012/2013 is an enrollment of 585 students (Tr. 9-10). The projected enrollment numbers for 2013/2014 are 333 for Gresham and 293 for Nkrumah, a total of 626 students, a number that is below the efficiency range of the facility (Tr. 10). Mr. Felton then said that there is enough space within the facility for both schools (Tr. 10). To accommodate these enrollments approximately 23 classrooms will be assigned to Nkrumah in the south building and 16 classrooms will be assigned to Gresham in the north building (Tr. 10). The 23 classrooms assigned to Nkrumah are sufficient to accommodate its projected enrollment for fall of 2013 of 293 students to fall 2015 when its maximum enrollment will reach 400 students (Tr. 10). Mr. Felton testified that the 16 classrooms assigned to Gresham are more than enough to accommodate its enrollment going forward (Tr. 10-11).

The next witness was Ms. Grace Kuklinski Rappe, Capital Architect and Design Manager for the Chicago Board of Education. She described the Gresham facility by means of a slide presentation reproduced in Exhibit 1, at 23 (Tr. 14-15). She said that the facility can be thought of as two separate structures, the four story main building on the north side of the campus, and the three-story 1967 addition to the south, connected by a single-story corridor (Tr. 14). The four-story structure contains the auditorium, gymnasium, library, small lunchroom, administrative spaces, and classrooms (Tr. 14). The tree-story addition contains classrooms, a lunchroom, and administrative space (Tr. 14). Ms. Kuklinski Rappe testified that the facility has sufficient space to accommodate the needs of both schools, Gresham and Nkrumah, for academic courses, lunch, physical education, administrative offices and other programming (Tr. 14). If the proposal of the CEO is approved, she said, a memorandum of understanding (MOU) on sharing of space between the schools will be drafted pursuant to the Board's Shared Facility Policy (Tr. 14-15). She then outlined CPS's recommendation as to how these schools can best allocate the spaces at the facility so that both schools will maintain separate identities while still sharing certain common areas (Tr. 15-18). Each school will have a separate entrance to the facility with Gresham retaining its present entrance and Nkrumah using the main entrance to the addition (Tr. 15). She testified that Gresham's need for

classroom space, 16 classrooms, can be met by primarily using the main building's classrooms with art, science, and computer labs included (Tr. 16). Nkrumah's need of 23 total classrooms can be met by using the 23 classrooms in the addition including the art room and the computer and science labs (Tr. 16). Each school will have a designated library (Tr. 16). Under the proposal a new lunchroom would be constructed on the ground level of the main building dedicated to Gresham students only, while Nkrumah could make use of an existing lunchroom in the addition, so that both schools could eat lunch independently within their own respective buildings (Tr. 16). The need for administrative space for each school will be met by such space in the main building and the addition that will adequately support the respective staffs of Gresham and Nkrumah (Tr. 16-17). The proposal calls for the schools to share the auditorium, the gymnasium, and the playground pursuant to terms to be arranged in the MOU process (Tr. 17). If the proposal is approved, the Department of Operations will propose the following improvements it will make: provide signage that reflects all newly allocated spaces; designate the two administrative clusters to reflect the newly allocated spaces; add independent communications and intercom systems to maintain separation; provide window air conditioning for all classrooms; provide interior cosmetic improvements as needed; expand lunchroom capacity as needed; upgrade or provide labs as needed; and provide ADA upgrades (Tr. 17-18). These improvements will cost approximately \$7 million (Tr. 18). Ms. Kuklinski Rappe concluded that these two schools can fit the facility (Tr. 18).

FINDINGS AND RECOMMENDATION AS TO THE PROPOSAL

The hearing officer makes the following findings as to the proposal to co-locate the Kwame Nkrumah Academy Elementary School with Walter Q. Gresham Elementary School:

1. The hearing officer notes that significant opposition to the proposal was voiced at the community meetings as summarized above. At the April 6th meeting several persons affiliated with Nkrumah raised concerns about the co-location stating that the distance of over three miles from Nkrumah's present location was too great and that the co-location would cause transportation problems. Several speakers raised other concerns regarding safety and security at the new location including a perception that the Gresham neighborhood was a high crime area and had low school scores compared to Nkrumah. At the April 13th meeting, on the other hand, several persons affiliated with Gresham spoke about their concerns, especially the possibility that Gresham may soon need more space. Principal Deidris Brown stated that Gresham is around 95 or 96 percent utilized; but it is clear that Dr. Brown is not using the Chicago Public Schools Space Utilization Standards (#14 in Ex. 1) in that calculation, for at present the Gresham facility is clearly underutilized. This underutilization of space is precisely the kind of situation the Standards and the CEO's proposal are aimed to correct.

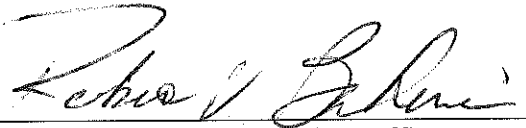
2. The hearing officer finds and reports that the testimony and other evidence received at the hearing and meetings support the CEO's proposal of this co-location notwithstanding

the concerns raised by people affiliated with both schools. Particularly worthy of credit are witnesses Mr. Ben Felton and Ms. Grace Kuklinski Rappe of CPS.

3. 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.

4. 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:

A handwritten signature in cursive script, appearing to read "Robert V. Boharic", written over a horizontal line.

Robert V. Boharic, Hearing Officer

May 2, 2013.