



**Board of Education of the City of Chicago
Law Department**

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MEMORANDUM

Date: May 6, 2013

From: James L. Bebley, General Counsel

Re: Response to the report from the hearing to elicit public comment on the proposal to close Kate S. Buckingham Special Education Center

Hearing Officer Cheryl Starks ("Hearing Officer") conducted a public hearing on the proposal to close Kate S. Buckingham Special Education Center ("Buckingham") on April 23, 2013. The Hearing Officer issued a report ("Report"), received on May 3, 2013. The Report includes a determination that the Chief Executive Officer ("CEO") did not comply with 105 ILCS 5/34-230 and the *Guidelines for School Actions, School Year 2012-2013* ("Guidelines") in the following respect: the CEO failed to consider the safety impact that the long commute will have on Buckingham students.¹

After reviewing the Report and the materials submitted during the hearing, I respectfully disagree with the Hearing Officer's determination, and conclude that the Hearing Officer exceeded the scope of her authority by failing to apply the law and Guidelines as promulgated. The Hearing Officer's determination is based on an opinion regarding the sufficiency of supports, which is outside the scope of her report and expertise.

The stated purpose of the public hearing is "to elicit public comment . . . on a proposed school action . . ." 105 ILCS 5/34-230(e). The Hearing Officer's role is to issue a report "that summarizes the hearing and determines whether the chief executive officer complied with the requirements of [105 ILCS 5/34-230] and the guidelines." *Id.* at (f)(4).

¹ It should be noted that the Hearing Officer's Report notes that one of the documents received into the record was "Chicago Public Schools Policy on Review and Establishment of School Attendance Boundaries." This is incorrect. As noted in CEO's Compiled Exhibit 1, this document was not submitted and received into evidence.

As part of the notice process, CPS must publish a draft transition plan identifying the items required in Section 34-225, which include “support to address the security and safety issues.” *See* 105 ILCS 5/34-230(c)(1) and 34-225(c), and Guidelines at § II.

The draft transition plan issued for the proposal to close Buckingham does address supports for the safety and security of students. *See* CEO’s Compiled Exhibit 1 at Tab 1 or 2. Specifically, the Office of Safety and Security (OSS) offers the following supports: “reviewing and updating school safety audits; reviewing security personnel allocations to ensure proper coverage; review school safety technology and enhance systems as appropriate; address any safety concerns raised by students and staff; and as deemed necessary by OSS, in collaboration with the community, CPS will also provide a transition security officer to assist with safety and security needs.” *Id.* The identification of these supports fulfills the requirements of 105 ILCS 5/34-225 and the Guidelines.

Additionally, CPS continues to evaluate the draft transition plan. As noted in Dr. Markay Winston’s statement, final transition plans will be issued if the Board approves this proposal. *See* CEO’s Compiled Exhibit 1 at Tab 22. Final plans will incorporate feedback from community meetings, the hearing, and additional input received. *Id.* Thus, the draft transition plan may be amended to include the feedback received regarding the safety impact of the commute for Buckingham students, should the Board approve this proposal.

It is my view that the Hearing Officer’s reported conclusion is incorrect. However, Chicago Public Schools will consider the Hearing Officer’s views along with other information in the Report.