



**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 John Calhoun North Elementary School

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Hearing Officer Cheryl Starks (“Hearing Officer”) conducted a public hearing on the proposal to close John Calhoun North Elementary School (“Calhoun”) on April 16, 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 did not consider pertinent additional factors pertaining to projected enrollment, and had the CEO considered this information, Calhoun would not meet the criteria for closure.

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 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). The Guidelines for School Actions state: “In determining whether to propose a closure, . . . the CEO may consider other information including, but not limited to . . . neighborhood development plans.” Guidelines at § I. 3.

First, the Hearing Officer misreads the Guidelines to require that the CEO consider neighborhood development plans when determining whether to propose a closure. The

CEO has discretion to consider the neighborhood development plans, but failure to do so does not impede the CEO's power to propose this closure under the Guidelines.

Second, the Guidelines do not require the CEO to present evidence showing that she considered neighborhood development plans while demonstrating that the proposal to close Calhoun meets the criteria in the Guidelines. The CEO's proposal to close Calhoun is justified under the Guidelines based on current student enrollment. Patrick Payne's statement demonstrates that the enrollment efficiency range of the Calhoun facility is between 552 and 828 students. *See* CEO's Compiled Exhibit 1 at tab 20. As of the 20th day of attendance for the 2012-2013 school year, Calhoun has 314 students enrolled, and thus, the school is underutilized. *Id.*

Moreover, the CEO's proposal is not hindered by the resulting space utilization after the closure. Patrick Payne's statement notes that the Cather facility's enrollment efficiency range is between 624 and 936 students. *Id.* The combined projected enrollment of Calhoun students and Cather students for the 2013-2014 school year is 565 students, which is below the Cather efficiency range. *Id.* The Cather facility will have space for an additional 371 students within its enrollment efficiency range. *Id.* Even considering the neighborhood development plans advanced by Alderman Fioretti, the CEO's proposal complies with the Guidelines.

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.