



**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 Edward C. Delano Elementary School and relocate Genevieve Melody Elementary School

Hearing Officer Clifford Meacham ("Hearing Officer") conducted a public hearing on the proposal to close Edward C. Delano Elementary School ("Delano") and relocate Genevieve Melody Elementary School ("Melody") on April 29, 2013. The Hearing Officer issued a report ("Report"), received on May 6, 2013. The Report does not include a determination regarding whether the Chief Executive Officer ("CEO") complied with 105 ILCS 5/34-230 and the *Guidelines for School Actions, School Year 2012-2013* ("Guidelines"). The Report comments on a deficiency in the draft transition plan regarding the omission of the academic performance of Delano and Melody.

After reviewing the Report and the materials submitted during the hearing, I respectfully disagree with the Hearing Officer's statement regarding the draft transition plan.

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). As part of the notice process, CPS must publish a draft transition plan identifying the items required in Section 34-225. *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 Delano includes all the statutorily required information. *See* CEO's Compiled Exhibit 1 at Tab 1 or 2. It is not

required that the CEO outline which school is on probation and which school is not. Further, the academic information for schools is publicly available, giving stakeholders access to information needed to evaluate the proposal.

Additionally, CPS continues to evaluate the draft transition plan. As noted in Wanda Washington's statement, final transition plans will be issued if the Board approves this proposal. *See* CEO's Compiled Exhibit 1 at Tab 24. 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 should the Board approve this proposal.

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