



**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 Mahalia Jackson Elementary School

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Hearing Officer David H. Coar conducted a public hearing on the proposal to close Mahalia Jackson Elementary School ("Jackson") on April 22, 2013. The Hearing Officer issued a report ("Report"), received on May 5, 2013. The Report includes a determination that the Chief Executive Officer ("CEO") did not comply with the *Guidelines for School Actions, School Year 2012-2013* ("Guidelines") in the following respect: the draft transition plan was deficient by failing to provide the information reasonably necessary to allow parents, students, and the Chicago Board of Education to evaluate the safety issues specific to the proposed transfer and how those issues would be addressed.

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 his 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). 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.

Rather than evaluate whether the draft transition plan identifies the items required by the statute, the Report forms an opinion regarding the sufficiency of safety and security supports, which is outside the scope of the Hearing Officer's statutory role and expertise. The draft transition plan issued for the proposal to close Jackson identifies supports for the safety and security of students. *See* CEO's Compiled Exhibit 1 ("Exhibit") at tabs 1 and 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; reviewing school safety technology and enhancing systems as appropriate; addressing any safety concerns raised by students and staff; providing Safe Passage program supports, and providing a transition security officer to assist with safety and security needs as deemed necessary. *Id.* By identifying these supports, the draft transition plan complies with the statute and the Guidelines.

Additionally, CPS continues to evaluate the draft transition plan. As noted in Karen Saffold's statement, final transition plans will be issued if the Board approves this proposal, which will incorporate feedback from community meetings, the hearing, and additional input received. *See* Exhibit at tab 24. Thus, the draft transition plan may be amended to include the feedback received regarding student safety and security, 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.