



**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 William W. King Elementary School

Hearing Officer Bernetta D. Bush conducted a public hearing on the proposal to close William W. King Elementary School ("King") on April 26, 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 transition plan for the proposed closure of King does not adequately address the academic and safety concerns that would exist for King students as a result of the 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). As part of the notice process, CPS must publish a draft transition plan identifying the items required in Section 34-225, which include "services to support the academic . . . needs of students; . . . and support to address the security and safety issues." See 105 ILCS 5/34-230(c)(1) and 34-225(c), and Guidelines at § II.

Additionally, when determining whether to propose a school closure, the Guidelines state that “the CEO may consider other information including, but not limited to: safety and security” Guidelines at § I. 3.

The Report notes that the CPS Office of Safety and Security (OSS) did not present testimony at the public hearing. *See* Report at 24. The Hearing Officer also writes: “The proposals by the CEO do not indicate that the CEO used any of the discretionary criteria afforded her by the guidelines in crafting the proposed plan.” *Id.* at 25. The evidence offered in support of the CEO’s proposal at the public hearing was limited to a demonstration of how the proposal meets the criteria of the Guidelines. Student safety and security factor into the CEO’s consideration even if not addressed in testimony by OSS at the public hearing.

Moreover, 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 and academic 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 King identifies supports for the safety and security of students. *See* CEO’s Compiled Exhibit 1 (“Exhibit”) at tabs 1 and 2. Specifically, 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.*

The draft transition plan also identifies academic supports and supports for English Language Learners (“ELLs”). Specifically, the draft transition plan commits to providing a Principal Transition Coordinator, comprehensive data on all transitioning students, and discretionary resources for principals to use to secure direct academic support for students. *See id.* The draft transition plan also states that current and future ELLs attending Jensen will receive state mandated transitional bilingual program services, and CPS staff will assist Jensen in serving students based on their language and learning needs. *See 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 Wanda Washington’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 academic needs and 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.