



**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 proposals to close Williams Multiplex Elementary School and Williams Preparatory Academy Middle School and re-locate John B. Drake Elementary School to co-locate with Urban Prep Academy for Young Men Charter High School – Bronzeville

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Hearing Officer Patrick E. McGann (“Hearing Officer”) conducted a public hearing on the proposal to close Williams Multiplex Elementary School (“Williams Elementary”) and Williams Preparatory Academy Middle School (“Williams Middle”) and re-locate John B. Drake Elementary School (“Drake”) to co-locate with Urban Prep Academy for Young Men Charter High School – Bronzeville (“Urban Prep”) on April 26, 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 establish that notice of the proposed closure of the King Drive building was given.

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 failed to apply the law and Guidelines as promulgated.

Per 105 ILCS 5/34-230, the Chief Executive Officer “shall publish notice of the proposed school actions.” The statute defines “school action” as “any school closing; school consolidation; co-location; boundary change that requires reassignment of students, unless the reassignment is to a new school with an attendance area boundary and is made to relieve overcrowding; or phase-out.” 105 ILCS 5/34-200. The statute defines “school closure” as “the closing of a school, the effect of which is the assignment and

transfer of all students enrolled at that school to one or more designated receiving schools.” *Id.*

There were two types of school actions proposed in the CEO’s notice letter. *See* CEO’s Compiled Exhibit 1 at Tabs 1 and 2. The first type of school action proposed was the closing of Williams Elementary and Williams Middle. *Id.* The second type of school action proposed was the co-location of Drake and Urban Prep. *Id.* These two types of proposals were also discussed at the hearing.

The Hearing Officer misapplies the definition of “school closure.” The potential closure of the 2722 South King Drive building is not a school closure under the statute or Guidelines and therefore does not need to be noticed as such.

It is my view that the Hearing Officer’s reported conclusion is incorrect.