

INDEPENDENT HEARING OFFICER'S REPORT

RE: PROPOSED CLOSURE OF JOHN CALHOUN NORTH ELEMENTARY SCHOOL

2833 WEST ADAMS

CHICAGO, ILLINOIS

HEARING COMMENCED APRIL 16, 2013 5:30 P.M

HONORABLE CHERYL A. STARKS

HEARING OFFICER

INTRODUCTION

On April 16, 2013 at 5:30 p.m. pursuant to Section 105 ILCS 5/34-230 the undersigned Independent Hearing Officer, **Cheryl A. Starks**, convened a public hearing at 125 South Clark Street, Chicago, Illinois, for receiving comments from interested parties regarding the proposed closure of John Calhoun North Elementary School (Calhoun). A Certified Shorthand Reporter transcribed this hearing. Deputy General Counsel, Susan O'Keefe of the CPS Law Department, represented the Chicago Public School Chief Executive Officer (CEO), Barbara Byrd Bennett. The following details a summary of the evidence presented during the course of the public hearings.

THE PROPOSAL

The CEO of CPS is making a recommendation to the Board of Education to close Calhoun North Elementary School (Calhoun) based on underutilization. The recommendation is that Willa Cather Elementary School (Cather), located at 2908 W. Washington Blvd. will serve as the dedicated welcoming school for students at Calhoun in the fall. The recommendation was based on CPS Space Utilization Standards and student enrollment numbers recorded on the 20th attendance day for 2012-2013 school years. On the 20th day of attendance, Calhoun had an enrollment of 314 students in a school with a capacity to service 690 students.

COMMUNITY MEETINGS

The written evidence of these proceedings included verbatim transcripts and written summaries of community meetings held at Raby High School on April 9, 2013 and April 13, 2013, and the public hearing held on April 16, 2013 at CPS Central Office. All submitted documents and comments were reviewed, incorporated, and given proper consideration.

Relevant Statutes:

105 ILCS 5/34-18 (Powers of the Board)

105 ILCS 5/34-200 (Definitions)

105 ILCS 5/34-225 (School Transition plans)

105 ILCS 5/34-230 (School Action Public Meetings and Hearings)

105 ILCS 5/34-232 (Proposed School Action Announcement and Notice: 2012-2013 School Year)

Relevant Chicago Public Schools Policies and Procedures

Chicago Public Schools Policy Manual section on Review and Establishment of School Attendance Boundaries

CPS Shared Facility Policy Section 410.7 Adopted February 23, 2005

Chicago Public Space Utilization Standards dated December 28, 2011

Guidelines for School Actions 2012-2013 School Year (Guidelines)

School Performance, Remediation, and Probation Policy for the 2011-2012 School Year.

Section 302.6A Adopted: July 28, 2010

EXHIBITS

Attorney Susan O'Keefe, Deputy General Counsel for the Chicago Board of Education Law Department tendered and the Hearing Officer received into record, the CEO's Compiled Exhibit marked CPS number 1 in support of the Closure. Supplemental exhibits received into evidence on April 22, 2013: Summary of April 13, 2013 Community meeting and updated Affidavit of Jason Van Patten attesting to proper publication of said summary.

NOTICE OF HEARINGS (TABS 1-6)

Notice to parents or Guardians of Students at John Calhoun North Elementary School Dated

March 21, 2013 and Willa Cather Elementary School Dated March 21, 2013 and Draft Transition Plan for Proposed Closure of John Calhoun North Elementary School.

Notice to Administrators, Faculty, Staff, and LSC Members of Calhoun School and Administrators, Faculty, Staff, and LSC Members of Willa Cather School, dated March 21, 2012, and Draft Transition Plan for the Proposed Closure of Calhoun Elementary School

Notice to Elected Officials, Tab 4 (9)

Senator Patricia Van Pelt of the 5th district of the Illinois Legislature, Representative Derrick Smith of the 10th District of the Illinois Legislature, and Alderman Robert Fioretti of the 2nd Ward of the Chicago City Council.

Affidavits

- a. Affidavit of Jeff Broom, performance Data Analyst for Chicago Public Schools Regarding Mail and/or Personal Delivery of Notice to Parents/Guardians, School personnel and Local School Council Members of Calhoun Elementary School and Cather Elementary School on or about March 22,2013.
- b. Affidavit of Leonard Langston, Chief of Staff, Office of Public and community Affairs for Chicago Public Schools Regarding Electronic Mail Delivery of Notice Letters to Elected Officials on or about March 21, 2013.
- c. Affidavit of Jason Van Patten, Director of Web Services for Chicago Public Schools Regarding Publication of: (a) Draft Guidelines for School Actions on or before October 31, 2012, (b) Guidelines for School Actions on or before November 30, 2012, (c) List of Independent Hearing Officers on or before November 1, 2012, (d) Proposals on or about March 21, 2013, and (e) Summary from the Community Meeting on or before April 14, 2013.
- d. Public Notice of Hearing and Community Meeting by Newspaper Publication in the Chicago Sun-Times beginning April 3, 2013.

RELEVANT LEGAL AND PROCEDURAL DOCUMENTS (TABS 7-16)

DOCUMENTS AND WRITTEN EVIDENCE IN SUPPORT OF THE PROPOSAL (TABS 17-24)

17. Transcript of the April 9, 2013 Community Meeting regarding the Proposed Closure of Calhoun Elementary School
18. Summary of the April 9, 2013 Community Meeting regarding the Proposed Closure of Calhoun Elementary School
19. Transcript of the April 13, 2013 Community Meeting regarding the Proposed Closure of Calhoun Elementary School
20. Written Statement of Patrick Payne, Portfolio Planner for the Chicago Public Schools.
21. PowerPoint Presentation Accompanying Patrick Payne's Written Statement.
22. Map of Proposed Attendance Area Boundary Change
23. Calhoun Elementary School and Cather Elementary School Performance Policy Reports.

SUMMARY OF THE HEARING ON THE PROPOSAL TO CLOSE CALHOUN SCHOOL

BOARD PRESENTERS:

Patrick Payne CPS Portfolio Manager testified in this hearing that his job is to manage strategic planning to improve the efficient utilization of CPS facilities. He gave his qualifications and his prior relevant employment history. He testified that Calhoun on the 20th day of attendance for the 2012-2013 school year, had an enrollment of 314 students in Pre Kindergarten and kindergarten through 8th grades.

He testified to the space utilization Standards used by the CEO in determining the enrollment efficiency range of a facility. According to the Space Utilization Standards (SUS) the enrollment efficiency range is plus or minus 20% of the facility's ideal enrollment. The ideal enrollment for Elementary school's buildings is the allotted homeroom multiplied by 30. The allotted homeroom is approximately 76-77% of the total classrooms available. He went on to give an example of the application of this formula.

According to Mr. Payne, there are 31 total classrooms within the Calhoun facility. Applying this same formula to Calhoun, which has 31 total classrooms, approximately 76-77% of this number is 23, the allotted homerooms. Thus, 23 multiplied by 30 equal 690, which is the ideal enrollment of the facility. Thus, the enrollment efficiency range of Calhoun facility is between 552-828. Therefore, the 314 enrollment for Calhoun is below the efficiency range of 552-828, thus making the school underutilized.

Conversely, he compared Cather enrollment status on the 20th day of attendance for the 2012-2013 school year. Cather has 35 total classrooms, 76%-77% of 35 equals 26, multiplied by 30 equals an ideal enrollment of 780 for that facility. The enrollment efficiency range of the Cather facility is between 624-936 students. Cather has 237 students enrolled. Calhoun's current enrollment of 314 students plus Cather's current enrollment of 314 students equals 551, which is below the 624-936 Cather efficiency range,

Wanda Washington, Chief of Schools for the Chicago Public Schools, Garfield-Humboldt Elementary Network. Ms. Washington testified to the transition plan in place to assist the transfer of Calhoun students to Cather. She stated that Calhoun students would be welcomed by the Cather Elementary school, which is a higher performing school than Calhoun based on the 2011-2012 Performance Policy. Under CPS Performance Policies, schools are ranked based on a variety of student outcome measures, including standardized test scores and student attendance. The highest performing schools are designated as Level 1 schools while the lowest performing schools are designated as level three schools.

She also testified that students will receive additional support to address safety concerns, working with CPS Office of Safety and Security, Chicago police Department, Department of Family Support Services, local community groups and faith partners, elected officials and other agencies to develop a plan for safe transition of students.

She indicated that OSS would update school safety audits, address specific safety concerns raised by students and staff, and deploy safe passage workers on designated street corners and specific intersections during the morning and afternoon. Students will also receive academic support as they transition. Principals will receive discretionary resources to provide direct academic support to students. Students will also receive social and emotional support to help them adjust to a new school environment. Ms. Washington has also stated that she will hold office hours on May 1, 8th, and 15th between 1:00pm and-3:00pm at 2908 West Washington, to welcome students and families to discuss concerns and educational options. She also stated that additional transition supports would be provided to ensure that Calhoun students who have unique needs or circumstances are adequately supported in the transition.

PUBLIC EXHIBITS:

The following is a list of Exhibits tendered by the Public and the Hearing Officer received into record:

1. Letter from Alderman Robert Fieoretti
2. Article entitled "SOS Save Our Schools", Apples to Apples Article
3. List of City owned vacant lots listed by Wards in the Calhoun and Cather area.
4. Picture of Child who wants to be a dentist
5. Chicago Tribune article on Proposed School Closings entitled, "high test Scores fail to save CPS school" referencing Calhoun North.

PUBLIC SPEAKERS:

Robert Fioretti , 2nd Ward Alderman testified that closing Calhoun North would be a mistake because CPS is severely limiting its ability to serve students in the Rockwell CHA area. He stated that the Rockwell CHA Development is a mixed income redevelopment with new housing that currently houses 300 children in the Calhoun North attendance boundary, and in 18 months an additional 76 units will be added, with plans for additional phases to be built in the near future. In addition, he testified that due to the closure of three other schools adjacent to the Rockwell area, (Dodge, Dett, and King); this further limits the service to students who move into the Rockwell area.

Alderman Fioretti testified that Calhoun North provides additional social services to the community that would be lost if Calhoun closes. He stated that Calhoun has had major increases in test scores over the last few years; it has a Head Start program, computer for every student, strong community support and a "high quality" principal, all of which comprises a strong and successful school.

He also stated that Learn Charter, which is across the street from Calhoun, is planning to relocate to another facility. Learn has overcrowding issues. Some students who had been attending Calhoun began attending Learn Charter, thus splitting the students in the Calhoun Boundary between the two schools. Since the Board allows Charter Schools to select their own location, there is no guarantee that Learn Charter will be available to service the students in the Calhoun attendance boundary. Additionally, Learn Charter is a Tier 3 school, whereas Calhoun is almost a Tier 1, school.

He further went on to reiterate the same safety concerns that the parents have, that moving Calhoun students to Cather would require Calhoun children and parents to cross Madison

Street into a major gang boundary. He mentioned that there is a hotel located "kitty-corner" to Cather that he has been trying to close down.

He stated that Cather is not a secure facility, that it has had multiple break-ins, which targeted computers at Cather. As a result, the students at Cather had only a few computers to use for testing this year. He also stated that it took several months for CPS to make the repairs that he and the principal had requested. He believes that CPS promise to put a computer lab in Cather is duplicative of what already exists at Calhoun.

According to the Alderman, Cather still has not constructed the new playground due to the failure of the Contractor; that Calhoun has a high quality outdoor playground and facilities. He further stated that the Calhoun North area needs a safe indoor recreation option for students in that area. The Chicago Park District closed the field house in Touchy Herbert Park, which was the one park facility that serviced the area around Calhoun North.

Linda Johnson- McClinton, Principal, testified that underutilization of a facility based on the formula used by CPS is not a good indicator for slating schools for closure. She cites in support of her position an article from Apples to Apples that states underutilization of public schools is overestimated by as much as 24 percent. She read a quote from the article written in December 2012 to support her statement that the current formula calculates a much higher number of underutilized schools than what actually exist based on class size recommendations. Using the CPS utilization formula to determine school closures there are several Level 1 high performing and gifted schools that were considered underutilized in 2011, which includes Calhoun North Elementary school

Ms. Johnson-McClinton also testified that Calhoun's ISAT scores have improved astronomically which puts Calhoun at 82% of their meets or exceeds category, which is higher than the District and State average. She stated that Calhoun is a Math, Science and Technology school and therefore uses this extra room to support the initiatives given to them by CPS which helps to not only obtain these higher scores, but to maintain them over time. She stated that enrollment after the 20th day was 332.

David Montgomery, Teacher at Calhoun testified to the Performance Policy statistical analysis done by CPS. He disputes the findings on the performance Policy Review as being inequitable. He counters that Calhoun really is a Tier 1 school. He testified that one student who entered Calhoun during the middle of ISAT, March 8, 2012 and only took two of the three tests for ISAT, received zero instruction from them. He scored a warning level on his Science ISAT. Thus, if his science ISAT were taken out due to receiving zero instruction from Calhoun, then Calhoun's overall score would rise to 81.4 for the 2012

school year, thereby raising their current status to 80. Therefore, according to the performance policy, they would earn three points rather than two, which would give Calhoun 30 out of 42 points, earning them a percentage of 71.4, thus placing them in the Tier 1 category. He concluded by saying, that one student's ISAT scores caused them to lose one point, which caused them to be classified as a Level 2 school rather than a Level 1 School.

Angela Northrop, Physical Education Teacher testified that the distance between the two schools is over 1 1/2 miles of vacant lots, 88 to be exact. She voiced the same concerns that many of the parents have about the children having to cross a major street, (Madison Street), on their way to Cather. She stated that there is only one crossing guard for four lanes of traffic. One stop sign on Warren and one crossing guard for Washington.

She further voiced her concerns about the fact that there are 65 sex offenders living along this route, 63 are convicted pedophiles. She also voiced concerns about the "Hotel" that Ald. Fioretti spoke of and the gangs hanging out in the vicinity. She wanted to know how CPS could give a quality education to a classroom "stuffed" with 30 or more students.

Joan Lowe, former Calhoun student, voiced her concerns about the safety of the children who would have to go into gang territory and be subjected to bullying on the way to Cather.

Wesley Penn, a Calhoun employee who did not specify job title, said that it was confusing how compared to Calhoun, Cather which had an entire Charter school occupying its second level a few years ago, and is now occupied by the Network offices, is not deemed to be underutilized. He spoke about Calhoun's consistently high performance and how for eight, nine, or ten years, Calhoun has outperformed Cather and the other schools within their particular network.

JR, Student A, a first grader, read his testimony into the record. He stated that he loves his Principal, teacher and his school. He stated that Calhoun has helped his mother with his brother and him. He closed by saying: "I love my school".

Cari Rohe, testified that she disagrees with CPS statement that Calhoun is going to a better performing school. She stated that she has presented the CPS representatives, Mr. Anderson and Mr. Babbitz with data and documentation that Calhoun is the better performing school. She referenced a Tribune article in support of her claim. She testified that Calhoun has consistently outperformed Cather on the ISAT each year. In addition, she notes that Cather is on Academic watch by the state while Calhoun complies with all State and Federal mandates. She stated that Calhoun has made progress in three out of the last five years since the NCLB started ten years ago, whereas, Cather has been in school

improvement status for 13 years. She further states that Calhoun missed level 1 by three tenths of a point.

Ms. Roche believes that the real reason for the closure is that CPS wants to give the Calhoun facility to Learn Charter School. She stated that Calhoun's success speaks for itself. That closing Calhoun runs contrary to the values that we try to instill in our children, that hard work and determination pays off.

Danielle Ranieri, Special Education Teacher, testified that Calhoun has a high performing Special Education program. She stated that 60 percent of Calhoun's special Ed students met or exceeded the reading portion in special ED and 80 percent met or exceeded the math portion of the ISAT in special ED. She testified that Calhoun already has all of the resources that CPS plans to put in Cather, such as two computer labs, Laptops for all of the students, a library, two science labs, separate cafeteria, gym, and auditorium. She is also concerned about CPS putting 30 special Ed students into a classroom. She stated that to do so would be illegal. She believes that CPS did not consider these students in their calculations.

Geraldine Young, community resident, asked the question, "How do you improve on perfection?" She has a 13-year-old attending Calhoun. She currently works for the local Alderman. She voiced concerns about how long it would take police from the 11th District to come to the school if needed, rather than the 13th District, which is closer.

Cheryl Burton- West, stated that she did not understand the formula that the CPS used to determine underutilization of Calhoun. She stated that when they added the special Ed students, who report to the same teacher for attendance, and the preschoolers who occupy classrooms, into the formula, they came up with 88 percent utilization. She tendered a picture of her son who wants to become a dentist.(Public Exhibit #5) She then proceeded to read an Article from the Chicago Tribune that states that for a school to become successful, when "moving", you must be in the upper 25 percent of performance. She stated that Calhoun is already there and it does not make sense for them to move while Level 3 schools are staying opened.

Marshetta Ross, Calhoun alumnus, stated that she was an Honor Student when she attended Calhoun. She now has a disabled child, who has cerebral palsy, and asthma. She went to Calhoun and pleaded with them to accept her son; they did, even though they did not ordinarily accept such students. Other students teased her son initially, but now they accept him. She would not want her son to start over with a new school. She believes this would be a setback for him.

Marquira Ross, parent and alumni, stated that she is concerned about the school closing because “you mold children and tell them if they work hard, they will get good things in life, and they feel their school is great”. She further stated that it would be utter chaos for these students to walk from Calhoun through drugs, gangs, and violence to get to Cather. She wonders if the City of Chicago really cares about them.

Delores Benton, a long time resident of the Calhoun North area, testified that she used to be a volunteer at Calhoun for many years. She watches out for the students going to school. She stated that Calhoun is a safe Haven for the children. She also asked if CPS even considered all the other school personnel affected by the closing in addition to teachers. Other personnel that are affected are, career services, janitors, food service and security, CPS doesn't know them. She stated that the schools are losing a lot of good teachers and people who work inside the schools.

Janice Sanders, a former student of Calhoun, testified that she has three children who attended Calhoun, two with learning disabilities who went on to successfully complete college. She now has grandchildren and great grand children who attend Calhoun. She does not believe that the school is underutilized. She stated that every room in Calhoun is being used. She challenges the CPS to prove to her that Cather is better for her children. She stated what's best for her children is every teacher, every social worker, every lunchroom worker, and every janitor at Calhoun.

Attorney, Harriet Parker representing the Cook County Bar Association spoke on behalf of the CCBA. She asked that CPS not close Calhoun School. She stated that the CCBA has worked with Calhoun on various programs and has done so for nearly ten years. She also stated that this is a very good school and is a Level 1 school. She wishes that the children could get the same level of security as the CPS Offices have and that Calhoun is a wonderful school within the Black Community and a school that works. It should not close.

MF, student B, a six grader at Calhoun, stated that he was a member of the Science Club, and a student athlete. He stated in his own words that: his teacher took them on a science field trip to the Adler Planetarium. Science is intriguing to him because he learns about “space and how the sun works”. His teacher is strict, smart, and nice as is every teacher at Calhoun. He stated that he loves his school, and please keep it opened. Because the teachers at Calhoun care for them. That is why many of the students reading and math scores are above their grade levels. He is reading at 9th grade and his math is at the 8th grade level.

EM, Student C, stated that he is a six grader and Calhoun “challenges” him. He stated that the principal and teachers care for him. He stated that he reads at the 8th grade level and he

has the second highest math score (presumably at Calhoun). He stated that he has been a student at Calhoun since preschool. He asked if CPS could please keep Calhoun open.

Valerie Miles, math teacher at Calhoun, testified that Calhoun has two Science labs, two computer labs, and laptops for every student. She stated that Calhoun has served as a model school for the Network. She thinks that if money is spent to upgrade Cather, it should be made available to Calhoun. She stated that with the progress that Calhoun has made over time that Calhoun can continue to be the best-kept secret on the West Side.

FINDINGS AND RECOMMENDATIONS:

The Hearing Officer makes the following findings and Recommendation concerning the CEO's proposal to close Calhoun North Elementary School:

The powers of the Board of Education are enumerated in statutory provisions under the School Code of the State of Illinois 105 ILCS 5/34-18. The Board has the power to develop and implement policies involving the closure of existing schools. This type of action includes school closings made to relieve overcrowding or underutilization of facilities. This can be done in order to meet current or projected demographics patterns within the District. The policy must be based on the state of existing facilities, projected enrollments, and available resources for improvement of schools. Enrollment is a factor the Board may consider, with other factors and conditions, in the exercise of this power (105 ILCS 5/34 230). The Board's proposal to close Calhoun North based on underutilization is an example of "School Action" that requires compliance with these statutory provisions.

Notice is not contested. The evidence presented by the CEO has satisfied all of the necessary notice requirements as mandated by Law. The legal requirements for notice of community meetings and public hearings pursuant to 105 ILCS 5/34-230 have been satisfied. Notice for both schools, was sent to the following: Parents or Legal Guardians of Students, Administrators, Faculty, Staff, and LSC Members and designated Public Officials. Notice was given to the general public, through mail, electronic notification on the Board' website, electronic mail, and school specific hearings at centrally located offices of the Board as specified in the notice. These notices also contained the Transition Plans and the draft Guidelines for School Actions 2012-2013 School Year.

The issue of safety is a major concern. The Transition Plans for Calhoun addresses the General needs of students and concerns of parents, faculty and staff, but without specificity. While CPS has stated that as part of its Transition Plan, it intends to reach out to the Chicago Police Department, individuals, and other community and faith based

organizations to work together on a "safe passage" program for Calhoun students, this Plan is broad and vague. Although the Plan addresses general safety concerns, parents, teachers and the Alderman have expressed little hope that the Board will deliver on its proposal for safety. However, if CPS adheres to the proposed additional safety measures in the Transition Plan, this would alleviate some of the concerns of students, parents, staff, and the Calhoun North community. Therefore, the Transition Plan is adequate and complies with the Statute and Guidelines.

The CEO may only propose a closure, consolidation, or reassignment boundary change if:

- (a) the students impacted by closure, consolidation, or reassignment boundary change have the option to enroll in a higher performing school; and,

- (b) The resulting space utilization after closure, consolidation, or reassignment boundary change will not exceed the facility's enrollment efficiency range as defined by CPS' Space Utilization Standards.

The CEO purports that she has met the requirement that the affected students have the option to enroll in a higher performing school. In this case, Cather, the receiving school or Welcoming School must be a higher performing school than Calhoun. It is disputable as to whether Cather is actually a higher performing school than Calhoun is. Mr. Payne testified that Calhoun meets the criteria for closure based on CPS Space Utilization Standards as previously summarized in this report.

Performance is a critical factor to consider under this scenario, under section 34-225 (c) the school transition plan shall include the following: (a) option to enroll in higher performing schools. Therefore, under the Guidelines, if the "Receiving School" is not a higher performing school, then that criteria has not been met and the Closure cannot proceed.

The opponents of the closure dispute whether Calhoun fits the criteria under the CEO's Guidelines for School Action based on CPS Space Utilization Standards. The application of the statistics used to determine Calhoun's measurable results is based on ISAT, State, and Federal standards. This supports the argument of the Opponents that Calhoun is a level 1 school. There are Newspaper articles that also support the opposition's arguments that Calhoun is a higher performing school than Cather is.

Mr. Montgomery argued that the Performance Policy Standards was misleading because of one student who came into the school during the middle of testing, specifically March 8, 2012. This student took two out of three parts of the exam. The student's score was added into Calhoun's total score thereby reducing Calhoun's overall percentage which resulted in

the loss of a point, thereby causing it to fall within the Tier Two level. Accordingly, had this student's score been removed, (because of incomplete test scores), Calhoun would have qualified as a Level 1 school.

Upon further examination of the statistics for Calhoun and Cather, It would appear that both schools are basically, functioning at the same level. The standardized achievements scores are comparable, Calhoun outperformed Cather in several areas, while Cather outperformed Calhoun in some areas (see tab 24). This additional information along with the academic progress of Calhoun, and a percentage of a point difference, is insufficient to distinguish two well performing schools from each other. Cather is not a higher performing school than Calhoun in actuality is, they are equal in performance..

However, the Guidelines specifies, if the 2011-2012 school year level performance on the Performance Policy is equal, higher performing means performing higher on the majority of the following metrics: for elementary schools-for the 2011-2012 school year, percentage of points on the Performance Policy, ISAT composite meets or exceeds score, Value Added reading, and Value Added math. Although Calhoun is technically performing at the same level as Cather, under the CEO Guidelines, it is considered the lower performing school.

Notwithstanding the statistical analysis submitted by the CEO in support of its position that Cather is the "higher Performing" school under CPS Guidelines, there are still other factors to consider.

In addition to safety, security, and other factors, in determining whether to propose a closure, consolidation, and reassignment boundary change, or phase-out, The CEO may consider among other information, neighborhood development plans. The CEO may also consider whether the school has recently been affected by any school actions, changes in academic focus or actions taken pursuant to 105 ILCS 5/34-8.3, or the proximity, capacity and performance of other schools in the community.

According to Alderman Fioretti's, the "Rockwell CHA Redevelopment", currently houses 300 children who live in the Calhoun North area. Within the next 18 months, 76 more units will be added and plans for additional units will be built in the near future. The influx of additional students due to new housing developments, within the Calhoun school boundary is an additional factor to consider. If there is a significant increase in the student population in the Calhoun area, Cather could potentially exceed its facility enrollment efficiency range. The Alderman stated that he had previously brought this matter to the attention of CPS. Under the CEO Guidelines, this was relevant additional information. However, the CEO failed to consider the projected enrollments based on "neighborhood development plans".

Finally, the Proposal failed to take into account, whether the school was recently affected by any school actions, changes in academic focus, or actions taken pursuant to 105 ILCS 5/34-8.3, or proximity, capacity and performance of other schools in the community.

According to Alderman Fioretti, Learn Charter School, which is directly across the street from Calhoun, is seeking another facility. Learn Charter currently service students who would normally go to Calhoun. If Learn Charter moves out of the area, there will be additional students in need of a school. This would include "Residing Not Attending" students that must be taken into account. Additionally, the proposed closure of three elementary schools, Dodge, Dett and King, which are in close proximity to Calhoun, will further affect the Rockwell area. The closure would also eliminate the afterschool programs that Calhoun provides for the community. The closure of the other elementary schools and the possible relocation of Learn Charter , may impact the total enrollment of Cather. The CEO did not consider these relevant additional factors in her proposal to close Calhoun North.

FOR THE FOREGOING REASONS THE UNDERSIGNED INDEPENDENT HEARING OFFICER, FINDS: although the CEO has complied with all Notice requirements of 105 ILCS 5/34-232, the opponents of the proposal to Close Calhoun North have demonstrated through clear and convincing evidence that pertinent additional factors pertaining to projected enrollment were not considered by The CEO in its proposal to close Calhoun North. Moreover, had the CEO properly considered these additional factors, Calhoun North would not have met the requisite criteria for Closure. Therefore, because the CEO has not fully complied with the School Code and CEO Guidelines, it is therefore Recommended that Calhoun North remain open for the 2013-2014 school year.

Dated: April 29, 2013


Cheryl A. Starks
Independent Hearing Officer